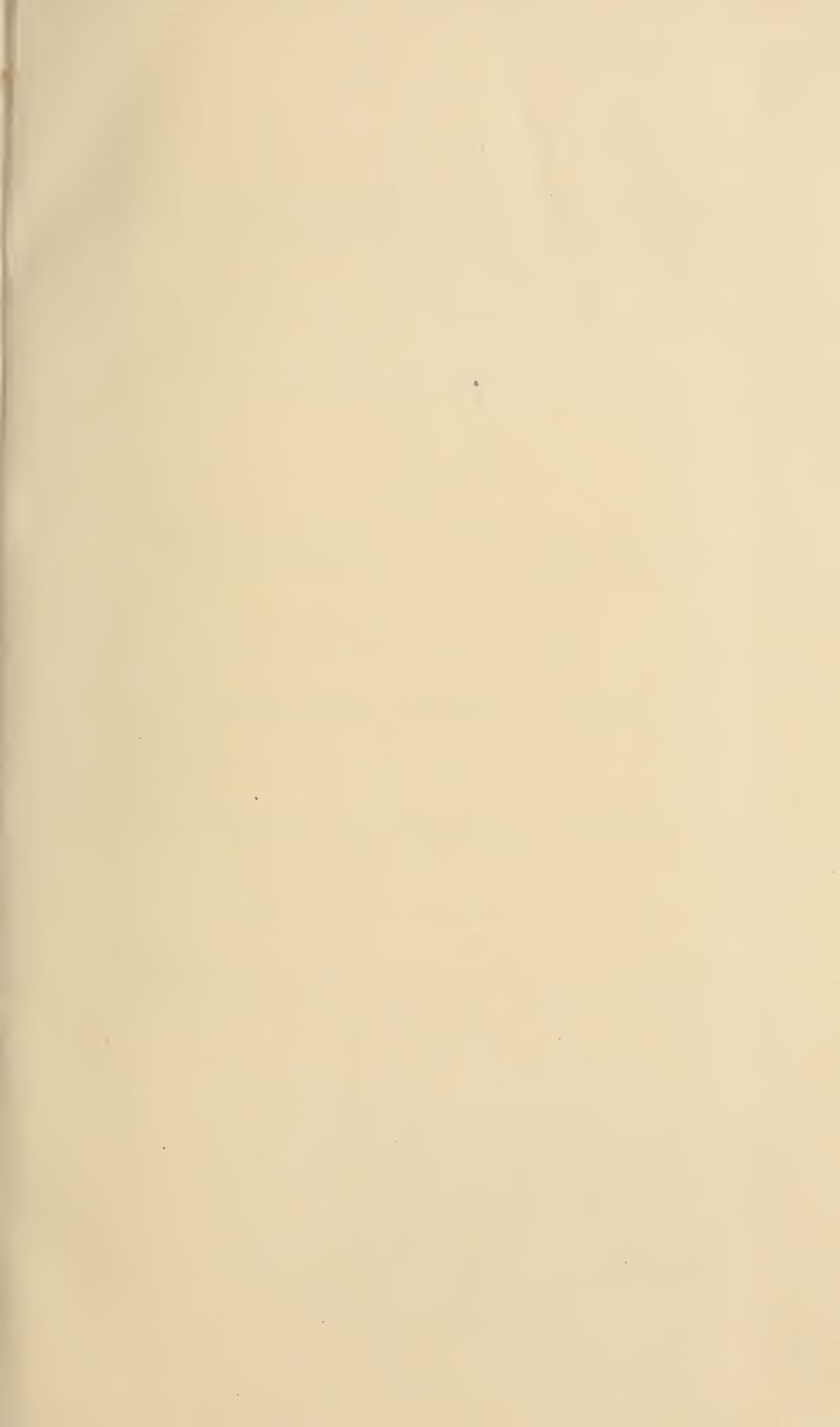
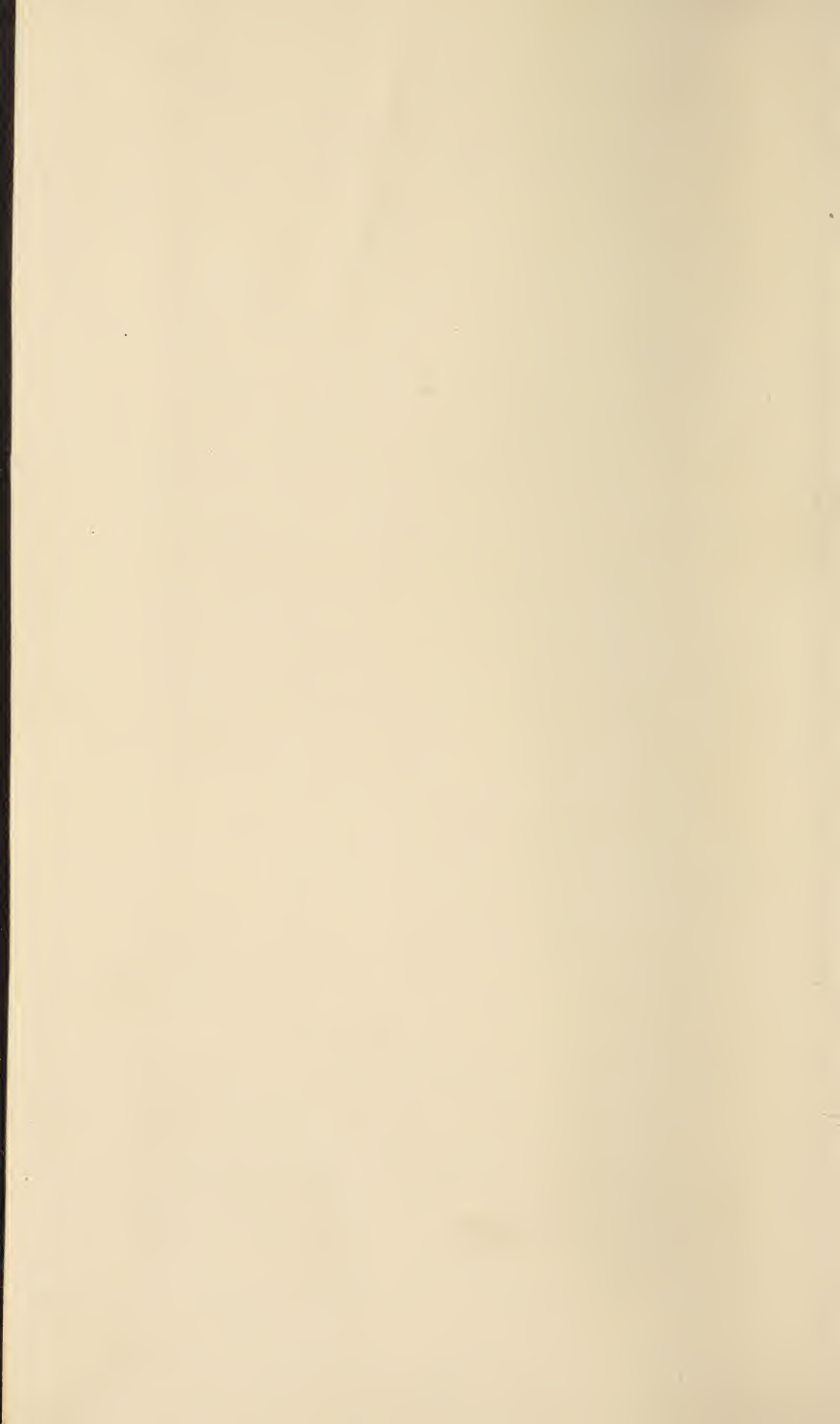




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AN
HISTORICAL REVIEW
OF THE POLICY OF THE
BRITISH GOVERNMENT,
IN THE
Treatment of its Catholic Subjects;
WITH A CONSIDERATION
Of their Present Claims.

By **HENRY WILLIAM TANCRED, Esq.**
BARRISTER AT LAW.

“We must all obey the great law of change; it is the most powerful
law of our nature, and the means perhaps of its conservation.”

BURKE'S *First Letter to Sir H. Langrishe.*

Vol. vi. p. 369, *Edit.* 1808.

LONDON :

Printed by J. F. Dove, St. John's Square, Clerkenwell,
FOR JOSEPH BOOKER,
NEW BOND STREET.

1815.



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TO CHARLES BUTLER, ESQ.

SIR,

By prefixing your name to the following pages, I am anxious to express, publicly, those sentiments of respect for your character, which I have long entertained. But, as the value of a Dedication depends upon the merit of the work accompanying it, the present may not be such a tribute as you certainly deserve, and I could wish to offer.

It was by your own writings that I was first led to reflect upon the policy of that system of laws, from the remains of which the Catholics of the empire seek to be relieved.

Of the same profession with yourself, I am under obligations to a member of it, who has extended its reputation; and who has proved to the world, that the same mind may be stored with a consummate know-

ledge of the most abstruse branch of the law, and enriched with a fund of various literature.

Neither do I know where to look for a more striking instance of the prejudicial effects of penal restrictions, than to the case of one, whom merit, however great and generally admitted, could not entitle to those dignities, which Protestants, with inferior qualifications, have often reached.

I am, Sir,

Yours, very truly,

HENRY WILLIAM TANCRED.

LINCOLN'S INN,

Feb. 24, 1815.

ADVERTISEMENT.

It seems probable that the claims of our Catholic fellow-subjects will, during the present Session of Parliament, again be submitted to the consideration of the legislature.

Upon any great political question, all who are in search of truth, whatever may be the inclination of their opinions, are equally interested in promoting full, and candid, and continual discussion. It is the only mode of putting at rest, safely and for ever, subjects, on which the hopes and prejudices of millions are deeply excited. It is by discussion

alone, that the fears of the ignorant can be overcome, or the clamours of the illiberal silenced.

It cannot be denied, that a reluctance in making farther concessions to the Catholics, is still felt by a considerable portion of the Protestant community. It is the author's firm persuasion, that this opposition arises from a misapprehension of the nature and effects of the penal system :—from not bearing in mind sufficiently, the treatment to which the adherents of the Romish church have, in this country, at different periods of its history, been exposed ;—and from ascribing to the influence of religion exclusively, events, for which other, and those temporary causes, more properly account.

It has been the author's object, there-

fore, to discover by what principles of government the supreme power of the state was guided, when it first subjected to punishment those who dissented from its religious establishment. If these shall be admitted to have been erroneous, it deserves to be considered, in what degree the hostility, which the Catholics may have displayed to the civil institutions and best interests of their native country, was the natural consequence of errors of policy on the part of their rulers. We may thus be induced to reflect upon the caution necessary to be observed in attempting to estimate the effects, which the profession of any particular system of faith is calculated to produce in its adherents, from a reference to past times, when ignorance and bigotry were equal and excessive, in Chris-

tians of all denominations;—when no religion was treated with indifference;—but, when one was supported by extravagant exertions of temporal power, and another harassed by every vexation, which perverted ingenuity could devise.

HISTORICAL REVIEW,

&c.

CHAP. I.*State of the Question.*

THAT full participation in the privileges of the British Constitution, which the Catholics of the United Kingdom have so repeatedly sought, the Legislature has hitherto thought proper to withhold ; and they remain a distinct and degraded class in the empire. But a disposition to consider their Claims seems every year more widely felt ; and, if we may judge from experience, the disinterested are less hostile in proportion as they are better informed. This is an encouragement to these religionists to keep their cause perpetually under the

public eye, and to court an examination of their principles.

Upon such a subject as the Catholic Question, bare acquiescence in the decisions of the more enlightened, is all that can be hoped, or indeed wished, from the mass of the people. In mixed questions of religion and politics, the lower orders of every country are incapable of judging with accuracy and impartiality. Their views are narrow, and their prejudices inveterate. Hence candour and moderation are, in their minds, identified with lukewarmness. Of the fallibility of human judgment they take no cognizance; and to torment their fellow-creatures is the earnest they are usually prepared to give of sincerity in their faith.

The Catholic Question too has received, and will continue to receive, the same treatment, which the Slave Trade, or any other important subject of dis-

cussion, has experienced. It affords to trading politicians of every profession, and of every rank in society, an opportunity of sacrificing national to private interests, which is not to be neglected. Connected with the Catholic Claims, there are so many delusions to which the honest but ignorant may cling ; so many points, taken singly, may be swelled into a magnitude, which, when united and compared with others, they do not possess, that a real trader has great advantages. He appears unconvinced, when in fact he is not in search of truth ; he seems to share in the alarms and errors of multitudes, from which, in reality, he is often wholly free ; and his opposition to the Catholics passes readily as zeal for the public good, and not as the contemptible selfishness of a man absorbed in the indefatigable pursuit of his own.

Dismissing, therefore, all those who,

by common consent, should never be made parties to the discussion ; and this other portion of our fellow-subjects who are perfectly indifferent to conviction, there remains a small but estimable band of opponents, to whom alone arguments of justice and policy can with propriety be addressed. They resist the Catholic Claims, because they conscientiously believe they cannot with safety grant them : they grasp the powers of legislation with a fervent wish to exert them to their legitimate ends : they scorn that vulgar wretched elevation, which consists, not in fairly raising oneself, but in unfairly depressing another.

Suppose an adversary of this stamp, a man of a good heart and plain understanding ; impatient of oppression when exercised against himself ; of an erect mind, neither agitated by vulgar fears, nor enslaved by selfish prejudices. I should with confidence tell such a man,

that his opposition to the Catholic Claims was unwarranted ; and that I thought so for the following reasons :

Government, as a science, consists in a knowledge of the springs of human action, and of the best mode of managing these so as to produce the greatest possible good to the community. All government, whatever may be its origin, has for its sole object the happiness of those over whom it is exercised. In a state of nature, no individual acknowledges any rule but his own will ; in a state of society, government of some form or other must exist : and its power consists of the aggregate of certain powers, certain portions of individual liberty, which, for the general good, men when united in a social body, expressly or impliedly surrender.

Now, no rational being willingly parts with any thing valuable, without expect-

ing to receive its price in exchange. All power is valuable to its possessor ; and the price men hope to receive for the portion they yield, is the enjoyment in security of the remainder which they retain in their own hands. That government is necessarily the best, which, pays this price of security with the least deduction from the natural rights of individuals. The first and great law by which all systems of rule are held together, is, that the interests of the majority are to be acted upon as the interests of the whole body. This law is paramount and really fundamental, because it would be impossible for government to subsist a moment, unless it were previously recognized. It follows, therefore, that the minority in any country may have greater deductions made from their natural rights, than are required from the majority in the same community. But, then, this ought to be done only in furtherance of the great object

for which men submit at all to government; it ought only to take place when the happiness of the majority can be in no other way effectually secured. It is a great misfortune in any political society, when the rights of one class of men cannot be protected, without infringing on the rights of another. But it is a crying sin before God and man, and violation of the end of all government, if this infringement is carried one step farther, or continued one moment longer than the happiness of the whole society, in the above restricted sense, absolutely demands.

Every one must admit, that a case of this nature occurs under the British Constitution. The Roman Catholics bear all the burthens, and submit to all the restraints imposed by the state; but, are precluded from reaping all the benefits, which Protestants do or can derive in consequence. The ground for this dis-

tion, so much to the prejudice of the former, is their adherence to a religious faith, which, though formerly the faith of the whole empire, has now for nearly 300 years been abandoned by the greater part of the population. Is then the profession of this faith inconsistent with the happiness of the majority, in this political society?

The religious belief of any man, or set of men, forms of itself no part of the concern of the civil magistrate. Our faith is not in the power of ourselves; and, therefore, never can be, nor ever is, placed under the controul of another. Civil government, in its powers and ends, is merely temporal; it regards the conduct of man to his neighbour, and not of man to God. An erroneous conception of the Deity and his attributes, is not a subject upon which human laws can animadvert, unless it be followed by a violation of the duty we owe to our

fellow-creatures. If error upon such sublime subjects were manifest, and capable of strict proof, the powers of government could never, consistently with the ends for which they are given, be called in for the suppression of such error, or the propagation of juster notions. No errors, however, upon the speculative points of Christianity are susceptible of demonstrative evidence; and the application of punishment as the means of suppressing such doctrines as are conceived to be erroneous, or of converting men to such as are believed to be true, is equally unjust, absurd, and tyrannical. And when we talk of punishment on account of religious opinion, we must extend our ideas beyond the stake and the gibbet: a man may properly be said to be punished on account of opinion, when those objects of his choice and ambition are withheld from him, which, but for the maintenance of such opinion, his rank, or fortune, or talents,

or industry, would enable him to attain.

These principles are trite,* because common unprejudiced reason suggests them to all men ; or, in other words, because they are irrefragably true. They must, however, be borne constantly in mind, and the conclusions from them, if legitimate, must be allowed ; one of the greatest difficulties in argument upon political subjects being, that although general principles are easily admitted, the necessary conclusions are resisted. The disqualifications attached to Popery are, at the present day, attempted to be justified on other grounds. It is asserted, that this religion is a badge not more of religious, than of political tenets ; that

* Though it is to be hoped that these general principles are now trite, it must be remarked, that a century ago they were far otherwise. The whole of Locke's Letters on Toleration, and his Treatise on Government, are occupied in the proof of them.

some of its doctrines are at variance not only with speculative truth, but with common morality. Again, the Catholics are supposed to be always liable to foreign influence; to be under a temporal as well as spiritual subordination to the head of their church; and to profess an obedience to him incompatible with their duty as subjects to any particular state.

In support of these assertions, the decrees of councils, the bulls of Popes, and the events of English history in which Catholics have borne a part, are properly referred to. Upon a correct estimate of these subjects do the merits of the Catholic Question wholly turn. If, from a review of them, it shall appear, that to be a good Catholic, a man must be a bad subject, as some represent, then is his religion not merely speculatively erroneous, but politically dangerous; and the restraints imposed upon him can certainly be justified. Still their expediency

is another, and by no means a subordinate question. To have no choice but between dangers, is not an uncommon situation for a legislator to be placed in; and should the security for fidelity to the constitution which a Catholic can give be imperfect, yet, if the danger arising from his admission to all its privileges is less than that from his exclusion, though he may have no right to demand, it may be highly expedient to grant what he seeks. And this expediency is greatly increased, if the dangers to the state are only such, as by confining our attention to insulated points of his religion, we may be led to anticipate. These ought justly to be rated very low. According to such anticipations, the ecclesiastical polity of Scotland might be thought to disqualify those who adhere to it from being trust-worthy citizens of a limited monarchy. Every presumption is against them; the purely democratical frame of their church-government; their refusing

to the crown not only any supremacy, but any right of interference, has been and might still be urged ; the wisdom of our ancestors might be called in aid, who for centuries considered “ no bishop no king” as an apophthegm incontestably true. Experience has taught what value is to be placed upon such conclusions. “ I have seen,” says my Lord Grenville,* “ every one of the offices of go-

* Debate on the Catholic Question, 1805, Cobbett’s Parl. Deb. p. 669. The whole subject is here discussed in the two houses in a manner the most masterly. Of those who are influenced by names, I ask, can claims be dangerous to the state which are espoused by Mr. Fox, Mr. Pitt, Lord Grenville, Mr. Windham, Mr. Grattan, Doctor Lawrence, &c. &c. To the authority of such men, whom I am sure I dare not presume to praise, let me add that of one greater than all—that of Burke. The wisdom of this great man has been distorted by partial extracts, and because the subject of his first letter to Sir Hercules Langrishe was a partial repeal of the Irish laws, he has been held up as an enemy to repeal in its full extent. I must refer the reader to his letter to Wm. Smith, Esq. and his second letter to Sir H. Langrishe, vol. ix. pp. 397 and 410, &c. where he will see his sentiments upon the whole question.

vernment filled by persons who may be presumed to have had a Presbyterian education. I have seen your predecessor on the woolsack, the Chief Justices of the King's Bench and Common Pleas, the Chief Baron of the Exchequer, a Master of the Rolls, the President of the Council, besides generals and admirals, all of whom have been Presbyterians, and yet have filled their offices with advantage to the country. I have seen every one of these offices so filled, and yet I have never observed, on the part of the persons filling them, the least disposition to change the form of the existing government." The very essence of political wisdom is to deal with men, not according to what they have been, or even what they now profess to be, but according to what in effect they really are. To rake into obnoxious articles of creeds; to imagine that principles of faith are under all circumstances principles of action; to overlook that some may be

counteracted by other principles; and that all are influenced by motives of security, interest, honour, gratitude, charity; to contend that doctrines which, when combined with particular causes, have in one age been followed by certain effects, may not in another, when the same causes have ceased, or other causes have begun to operate, be wholly inactive, or produce contrary effects; all this, though it may suit the purposes of a wilful and determined antagonist, is not the line of conduct which a conscientious and intelligent legislator will pursue. No error has been more fatal to the repose of society, than the undue stress which statesmen, when they have abandoned their province, and dogmatized upon religion, have laid upon the consequences likely to result from the faith of large bodies of men. It is high time for all to admit that men will readily abstain from carrying principles into action, though they are with the utmost

difficulty prevailed upon to surrender the principles themselves. They cling to them, not in proportion to their individual excellence, but as parts of a system of belief, endeared to them by habit, and its numberless associations. They resist the surrender of principles, because if they begin, they know not where to stop; because, in general, they have not sufficiently considered what can be advanced in their defence; because they question the authority by which such surrender is required.

But, if from such an enquiry as we propose to institute into the conduct past and present, and the doctrines of British Catholics, the result should be, that a man may be both a good Catholic and a good subject, then are his claims to be placed on a level with his fellow-subjects, founded in the strictest right. I am aware that this may seem to have been denied by a great authority. Mr.

Pitt, who acknowledged the civil merits of the Catholics, is reported * to have said, "That he admitted no claim whatever as to right," and that "it was only from expediency and for conciliation, that the measure could be a moment justified in his opinion." Mr. Pitt adds, "he (Mr. Fox) seems to consider that there is only a shade of difference between the expediency and the right; whereas my view of the difference is fundamental: I consider right as independent of circumstances. With regard to the admission of Catholics to franchises, to the elective franchise, or to any of those posts and offices which have been alluded to, I view all these points as distinctions to be given, not for the sake of the person who is to possess them, but for the sake of the public, for whose benefit they were created, and for whose advantage they are to be exercised." I suppose

* Cobbett's Parl. Deb. vol. iv. p. 1014.

that no one, in theory at least, will deny, that the object for which posts and offices are created, is here correctly stated. But granting this, is there any inconsistency in maintaining, that admissibility to them is a right in individuals? Undoubtedly Mr. Pitt was at liberty to define right as independent of circumstances; because, as Paley observes, truth cannot be offended by a definition, though propriety may. But where would he have found instances of such rights? political rights, of which Mr. Fox had been speaking, so far from being independent of circumstances, are the creatures of them; and the general good, the immutable end, to which government and legislation are means, aiding and assisting by their very mutability, and by adapting themselves to combinations of circumstances, infinite and ever varying, is that which creates and abrogates, limits and suspends, the rights of men in society. Exactly that degree

of restraint upon their wills and actions, which the general good requires, it is the allowed duty of legislation to impose. From their tendency to promote the general good, all laws derive their only sanction; and to this test the institution of property, the distinctions of rank; every thing, in short, most venerated, can and must be applied. There is no right so imprescriptible as this, that in cases where the general good does not require coercion, the actions of all men should be unfettered, and their pursuit of happiness uncontrouled. This is a right superior to all government, to which government owes its own existence, and is indeed nothing less than the will of God, written upon his works. If this be so, the claims of any body of men, for the repeal of laws affecting them exclusively, grounded upon such proof as the case admits of, that the general good does not require their continuance, are necessarily claims of right.

Take the elective franchise, the lowest privilege of a British subject. It is a right which cannot exist in a state of nature, but is created by our submission to government: and though, when created, it may appear universal; yet as such a right, if common to all, would be available to none, the general good requires some qualification in those who exercise it; and our constitution has selected that of property, the best of any in many respects. It has adopted the same in the case of the elected, as well as electors. With respect to posts and offices, as this qualification would be too extensive, the constitution has abandoned it, and left them at the disposal principally of the executive magistrate; and in these, admissibility is the only right which all can claim. The general good sanctions such rights, and such an arrangement of them; all acquiesce from a sense of the necessity of some limitations, and the propriety of those devised. But, an English Catholic, by

the mere profession of his religion, is debarred the exercise of the elective franchise, and is rendered ineligible to posts and offices. Upon the supposition that it is not hostile to the general good, being in possession of property, the only qualification known to the law, he has a right to demand the elective franchise, and the franchise of representation; being in possession of property, or the other requisites, he has a right to demand eligibility to posts and offices. Not that because there is a right to demand on the one side, there is not expediency in granting on the other. On the contrary, there is expediency in that highest possible degree, under which it changes its name, and becomes duty. It is no longer the purblind view we take of what is for our good, but conformity with the will of Him who gave us our rights, with our being, and whose will it is, because it is for the happiness of his creatures.

I have been the more anxious to distinguish between right and expediency, and to confine the latter to cases where there is no right to demand ; but policy in granting, from a prudential consideration of collateral and extrinsic reasons, because the distinction lies at the root of the whole discussion, and appears to me of very great consequence in treating of the Catholic Claims. Many an honest man, who would shrink from the idea of being party to an act of gross injustice, and of withholding from any description of his fellow-subjects that which may be as much their right as the property they possess, reconciles easily to himself an opposition to the Catholics, when he imagines that only expediency can be pleaded in their favour. Amongst such men there is uniformly one overwhelming notion of expediency, which consists in maintaining laws not for their usefulness, but their antiquity. They consider themselves at liberty to rest satisfied with

their own views of expediency, however short-sighted and limited they may be; confident that whether they reject or admit these claims, no cruelty can be committed, they resist enquiry; or if they submit to it, stand justified in their opposition, if dangers the most shadowy can be suggested, as consequences the most improbable of any change of policy.

But, every one capable of judging, and willing to exercise an impartial judgment, should, if possible, be made to feel, that the question of the Catholic Claims is one which vitally affects the happiness of some millions, and the justice of many more. Here is a mass of evil at our very doors; here is, to my apprehension and conviction, in this enlightened age and kingdom, our common Christianity and constitution, dishonoured by being still made, in a considerable degree, instruments of oppres-

sion. As a candid and extensive investigation is all that the Catholics need require; and as, it is to be hoped, there would appear a sufficient inducement to undertake it, if the Catholic Question were considered, what in truth it is, incalculably the most important question which can now occupy the attention of the legislature; it is impossible to pass by without notice, a certain species of fashionable charity which stands somewhat in the way, and prevails in some men, if not to the exclusion, yet to the depreciation of any other. I mean, a sort of long-sighted commiseration of the unknown rather than the known; of strangers in preference to fellow-countrymen; which perpetually carries our thoughts and our humanity beyond the equator; looks out for some barbarous African, or semi-barbarous Gentoo; immediately falls to subscribing, and hurrying off bibles and missionaries; broods over schemes of melioration, which, un-

less digested and executed with the most consummate prudence, may not improbably end in tormenting those whom they are designed to benefit. A benevolent disposition, upon whatever objects exercised, is abstractedly entitled to respect; I do not blame this, but may be allowed to express my surprise, how those who govern themselves by a scale of duty, can find such constant leisure to exercise it. And the misfortune is, that charity of this description glows most fiercely where it may be fruitless, and is cold where it could not but be profitable; and I should not have remarked upon it, if they who thus exhaust themselves upon aliens, were not the first to play fast and loose with the Catholics, the readiest in starting and adopting difficulties, the loudest in requiring impossible or unwarrantable securities. I cannot sufficiently recommend to all such, the observations of our great philosophical statesman. “To transfer hu-

manity from its natural basis, our legitimate and home-bred connexions; to lose all feeling for those who have grown up by our sides, in our eyes, the benefits of whose cares and labours we have partaken from our birth, and meretriciously to hunt abroad after foreign affections, is such a disarrangement of the whole system of our duties, that I do not know, whether benevolence so displaced is not the same as destroyed, or what effect bigotry could have produced that is more fatal to society.”*

In selecting right as the foundation upon which it is my intention to argue the Catholic Question, I have neither overlooked, nor been deterred by the absurdity of those, who, upon every claim of right, bristle up their backs in shew of resistance; and require in every petitioner the prostration of a slave, ra-

* Tracts on the Popery Laws, Burke, vol. ix. p. 360.

ther than the dignity of a freeman. The argument is not addressed to them, but to those only who are lovers of justice and of their kind, and who, if a right is substantiated in any class of men, feel an alacrity in admitting it, from a sense of pleasure in the performance of a duty.

As might be expected, in a question of such magnitude, and so repeatedly canvassed, it is embarrassed by an endless variety of expressions, either unmeaning, or untrue in the sense intended to be conveyed. Amongst these I will only mention the two following; that the constitution is fundamentally Protestant, and that the established church is an integral part of the constitution. Fundamentally Protestant! here are two noble words taken singly, but what we are to understand by them joined together, and applied to the constitution, I profess myself, after taking some trouble,

at a loss to discover. Let us suppose that on any given night, the people of these kingdoms, including adherents of every religious persuasion, were by the intervention of a miracle converted all to an uniformity of belief; and that we all awoke in the morning staunch Catholics, or what is equally possible, staunch Jews, and in expectation of a Messiah. Should we be without any rule of civil conduct, or would the constitution be impaired in any tittle? Or is the constitution fundamentally Protestant, because the authors of some of its provisions were such? If the habeas corpus act be fundamentally Protestant for this reason, then is magna charta for the same fundamentally Catholic, and trial by jury fundamentally pagan, because traced by some to Woden, the god and legislator of the Saxons. But this is absurd; and the constitution is nothing but a collection of civil rules, written or unwritten, and of immemorial

usages; to the full benefit of which all, who are enabled and inclined to pay that obedience which is necessary for its support, are entitled.

With respect to the other mode of expression, it originates in the use of an ambiguous and hackneyed phrase of "constitution in church and state." The reasoning applied to the last will sufficiently convince us that this phrase resolves itself into the constitution of the state, and the constitution of the church; each distinct, yet not independent of the other. On the degree of connexion which ought to subsist between them, I shall have occasion so often to remark, that I will not here abuse the reader's patience.

I propose, therefore, as succinctly as the subject will admit, to take an historical view of the principal penal statutes enacted against the Catholics, and

of the circumstances under which the nation was placed at the times of passing them: to examine whether their intrinsic merit, or those circumstances justified their origin, and sanctions their continuance. In the events of English history, in which Catholics have been concerned, I shall endeavour to ascribe to their religion its fair share, and no more. I shall remark, in the course of such inquiry, the changes which time or accident may have produced on many points to which these laws have reference. Having subjoined, from authentic sources, testimonials of the conduct and doctrines of the Catholics of the present day, I shall hope to have established a right in them to a repeal of every civil disability under which they labour.

CHAP. II.

Henry VIII.—Elizabeth.

IT is notorious, that the Reformation, though aided in its progress by causes which had their operation in this country in common with the rest of Europe, was immediately brought about by the rupture between Henry VIII. and Clement VII. on the subject of the king's divorce from Catherine of Arragon. But, during Henry's life, the separation from the church of Rome consisted, not so much in any departure from its doctrine, as in depriving it of the revenue which it had enjoyed, and the dominion which it had exercised within the kingdom. Such was the abject submission of the people to the arbitrary will of their sovereign, and such the capriciousness of that will, that at Henry's death it is

difficult to say what was the religion of the prince, or the English nation.

One very important consequence immediately followed the breach with Rome. The ecclesiastical powers of discipline and jurisdiction over consciences which had been exerted by the Popes, were immediately annexed to the crown of England. The 26 Hen. VIII. c. 1. has for its title, "The King's Grace to be authorized Supreme Head." It recites in the preamble, "Albeit the King's Majesty, justly and rightfully, is and ought to be the supreme head of the church of England, and so is recognised by the clergy of this realm in their convocations; yet, nevertheless, for corroboration and confirmation thereof, and for increase of virtue in Christ's religion within this realm of England, and to *repress and extirp all errors, heresies, and other enormities and abuses heretofore used in the same.* Be it," &c. It then enacts,

that there shall be united to the imperial crown of this realm, “ All honours, dignities, pre-eminencies, jurisdictions, privileges, authorities, immunities, profits, and commodities, to the said dignity of supreme head of the same church belonging;” and confirms to the king and his heirs, “ full power and authority, from time to time, to visit, repress, redress, &c. all such errors, heresies, abuses, offences, contempts, and enormities, whatsoever they be, which by any manner, spiritual authority, or jurisdiction, ought, or lawfully may, be redressed, &c. most to the pleasure of Almighty God, the increase of virtue in Christ’s religion, and for the conservation of the peace, unity, and tranquillity, of the realm.”*

* By the 37 Hen. VIII. c. 17. The parliament again, “ in most humble wise,” expressly admit that the king was, and always had been, by the word of God, supreme head on earth of the church of England, and

The denial of the supremacy was treason; and, for this new offence, many priors and ecclesiastics, together with Fisher, Bishop of Rochester, and Sir Thomas More, lost their lives.

By this act, an effectual surrender was made of the religious liberties of the nation; and an absolute power of legislation, in matters of faith, was vested in the crown. And when, by a subsequent act,* it was declared, that the king's proclamation should have the force of statutes, the existence of the parliament, for all purposes of controul, was utterly insignificant; and it was only retained as a convenient and willing instrument of the king's despotic authority.

had full power to correct, punish, and repress, all manner of heresies, errors, vices, sins, abuses, idolatries, hypocrisies, and superstitions, growing within the same.

* 31 Hen. VIII. c. 8.

By virtue of the supremacy, the king appointed a commission of certain ecclesiastics, and gave them in charge to choose a religion for the nation.* And before any progress had been made, the parliament, in 1541, had kindly ratified all the tenets which these divines should *thereafter* establish, with the king's consent.

Surely the powers which this act conveyed, and which, independently of the act, both king and parliament considered inherent in him, were monstrous and absurd. What was it but recognising in the sovereign that infallibility which Protestants so much ridicule, when claimed by the Popes, and which is acknowledged by the Romish church to reside only in the decrees of a general council? One necessary effect which proved fatal to the repose of the nation,

* Hume, vol. iv. p. 222.

and to the interests of true religion, was to connect inseparably the ideas of heresy and rebellion ; and to fortify an opinion, already too deeply rooted, that the magistrate can be intrusted with power to punish a dissent from his faith, equally with an attack upon his civil authority.

The effects of such a power ought narrowly to be watched. If our principles are correct, matters of faith are not the subject of legislation, even when a nation is most adequately represented in the legislative body. Still less, then, can the conscience of a people be bound and delivered over to the absolute dominion of an individual.

When such were the ideas entertained of the powers of the magistrate, one is not surprised to find the parliament, in the name of the king's " most humble and obedient subjects," returning thanks for " the most godlie pain and travell of

his majesty, in most prudently pondering and considering" the law of the six articles; by the first of which, a denial of the real presence subjected the offender to death by fire, and to the same forfeiture as in cases of treason, and admitted not the privilege of abjuring. "An unheard-of severity," says Hume, "and unknown to the inquisition itself."

The following abstract of 34 & 35 Hen. VIII. c. 1. will prove what little reason the nation had to rejoice in its emancipation from the spiritual tyranny of the church of Rome. It was enacted, that "recourse should be had to the Catholic and apostolic church for the decision of controversies; and, therefore, all books of the Old and New Testament in English, being of Tindal's false translation, or comprising any matter of Christian religion, articles of the faith, or holy scripture, contrary to the doc-

trine set forth sithence A. D. 1540,* or to be set forth by the king, should be abolished. No person should retain any English books or writings against the holy and blessed sacrament of the altar, or other books abolished by the king's proclamation. There were to be no preambles or annotations in Bibles or New Testaments in English. The Bible was not to be read in English in any church. No women, or artificers, apprentices, journeymen, servingmen of the degree of yeomen or under, husbandmen, nor labourers, might read the New Testament in English. Nothing was to be taught or maintained contrary to the king's instructions. And if any spiritual person preached or maintained any thing contrary to the king's instructions made or to be made, and should be thereof convict, he was for his first offence to

* This alludes to the king's two books of the Institution and Erudition of a Christian Man.

recant; for his second to abjure, and bear a faggot; and for his third to be adjudged an heretic, and be burned, and lose all his goods and chattels."

Edward VI.

No sooner was the tyrannical, but vigorous hand, of Henry withdrawn from the government, than the religious sects, into which the nation was divided, threatened to break out into the most furious action. The alternâte success which his wayward policy procured to the partizans of the old and new religion, exasperated both, without extinguishing the hopes or fears of either. The desire to preserve the plunder which they had acquired, combining with the zeal inspired by a new faith on the one hand; and the wish for revenge, with the hope of recovering a lost ascendancy, on the other, stimulated the exertions of all,

and had a tendency to hurry them into the most dangerous excesses. An extended council of regency, comprised of the sixteen executors, to whom the late king by will had, during the minority of his son Edward, entrusted the supreme authority, was ill calculated to meet the exigencies of the times. The whole nation, therefore, had great reason to rejoice, when the first act in the execution of their trust was to devolve the whole power upon one of their own body, under the name of Protector; and more especially had the friends of the reformation cause of congratulation, when the choice fell upon the Earl of Hertford. He was maternal uncle to the young king, and, consequently, not within the line of succession: he was a man of probity and experience, and known to be favourably inclined to the new tenets. Calling Cranmer to his counsels, he prosecuted the difficult work of displacing an old, and establishing a new system of

faith, by measures which, if due allowance be made for the general intolerance of his age, may be pronounced judicious, mild, and moderate. I shall not have a fairer opportunity than the present to remark, what an inestimable advantage it has proved to the church of England, that at the present period, when its doctrines, rites, and ceremonies were established, and at the commencement of Elizabeth's reign, when they were restored, the government at each period was lodged with statesmen qualified to call forth its powers with temperance and wisdom ; whereas the measures of the Catholics have been exposed to the contrary disadvantage. Under Mary, and James II. their proceedings were dictated, in the first instance, by a fury incapable of controul, an imbecillity which defied instruction, and a bigotry which insured its own defeat.

The protector Somerset* relying upon the power given in the last reign to proclamations, suspended the bishops from the exercise of their authority, and appointed a general visitation to be made throughout the kingdom. All images, which had not been abused to idolatry, were to be retained; the people were instructed not to despise such ceremonies as were not abrogated, but only to beware of particular superstitions. The abuse of preaching was corrected, and twelve homilies were published, which the clergy were enjoined to read to the people.

One of the chief objections urged by Gardiner, the Bishop of Winchester, to the new homilies, was, that they defined,

* After the appointment of a protector, the executors proceeded to fulfil the desires of the late king, expressed in his will in favour of themselves, and to make new creations of nobility; in consequence, the Earl of Hertford was created Duke of Somerset.

with the most metaphysical precision, the doctrines of grace and justification by faith; points, he thought, which it was superfluous for any man to know exactly, and which far exceeded the comprehension of the vulgar. Fox, the martyrologist, calls Gardiner, on account of this opinion, “an insensible ass, and one who had no feeling of God’s spirit in the matter of justification.”*

But, though the praise of temperance, and wisdom, and we may add, general humanity, may be ascribed to Somerset and Cranmer, we are not to imagine that they acknowledged, much less that they were guided, by the principles of toleration. By permitting the use of the scriptures to the people in their native tongue, they prepared and ushered in the dawn of religious freedom; but it is too much to expect that they should so

* Hume, vol. iv. 291.

far outstep their generation, as to stand in the noon-day. A committee of divines having compiled a liturgy, it was confirmed by act of parliament; and if the divided state of the nation be considered, the penalties attached to non-conformity will prove, how little latitude of dissent the ruling powers were disposed to allow to others, while they claimed the greatest for themselves. The preamble of the 2 & 3 Edw. VI. c. 1. informs us, that there had existed different forms of prayer within the realm, and that the king had been pleased to bear with the weakness and frailty of the people in this behalf; and had not only abstained from punishment of those who had offended in this respect, but had appointed the Archbishop of Canterbury, and other discreet bishops and learned men, to ponder the premises; and that, by the aid of the Holy Ghost, the above persons had agreed upon a meet order and form of common prayer. Those of

the clergy, who should refuse to use it, were for the first offence to suffer imprisonment for six months, and forfeit a year's profits of such one of their benefices as the king should appoint: for the second offence they were to be imprisoned for a year, and to be deprived ipso facto of all their spiritual promotions: for the third, they were to be imprisoned for life. Neale asserts, that this service-book was not laid before any convocation, and that so far from its being composed by uniform agreement, four bishops employed in drawing it up protested against it.*

Cranmer had conformed outwardly to all the varying sentiments of the late king upon religion. He had argued against Lambert, and acquiesced in the burning of him and Anne Askew for that very denial of the real presence, for which he himself afterwards suffered.

* Neale, Hist. Pur. Abr. vol. i. p. 33.

When invested with authority under Edward, he bore hard upon the Catholics, stretching the law to keep their most active leaders in prison; and having adopted a standard of orthodoxy, was unfortunately so far transported from the humanity natural to him, as to imbrue his hands in the blood of those who rejected it. A commission had been granted to the primate and others, to examine after all anabaptists, heretics, and contemners of the book of common prayer; and if the commissioners could not reclaim them, they were enjoined to deliver them over to the secular power. Many were examined, some of whom abjured, and one had carried a faggot; but, "there was another of these," says Burnet, "extreme obstinate." This was a woman called Joan Bocher, or Joan of Kent. She maintained, "that Christ was not truly incarnate of the Virgin, whose flesh being sinful, he could take none of it; but the word by the con-

sent of the inward man in the Virgin, took flesh of her." Deprived as we are of Joan's own explanation, it seems difficult to say whether this doctrine is orthodox, or heretical. It is merely incomprehensible. Cranmer, however, saw too clearly its enormity. And when the humane young monarch, with tears in his eyes, resisted his importunity, and refused to doom her to destruction on account of it, Cranmer enforced the necessity of punishment; he argued from the practice of the Jewish church in stoning blasphemers; he pointed out the difference between errors in other points of divinity, and such as had a reference to the apostle's creed. He told the king that the latter were impieties against God, which the prince, as God's deputy, was bound to repress. Edward deferred to his learning, and this poor creature, who, as Neale truly observes, was more fit for Bedlam than the stake, expiated her errors in the flames.

I find this account succeeded by another, in the history of the Reformation, of a Dutchman, one Van Pare, or Van Paris. "Of this Pare," Burnet tells us, "I find a Popish writer saying that he was a man of a wonderful strict life, that he used not to eat above once in two days, and before he did eat would lie sometime in his devotion prostrate on the ground." He was convicted of Arianism, in holding that God the Father was only God, and that Christ was not very God; and being brought to execution, kissed the stake and faggots that were about to consume him.

If we attend to the ecclesiastical affairs of Scotland during this period, we shall find the Reformation carried on under the guidance of Knox, the Apostle of the North, as he is somewhere termed, in that strain of fury and savage violence by which, in all its stages, it was so eminently distinguished. Car-

dinal Beaton burns Wishart for heresy ; Melvil, the reformer, murders Beaton in return ; and Knox, the divine, describes the transaction as the “ godly fact and words of James Melvil.” In the progress of the Reformation, in that country, which enjoyed not for some time the advantage of a stable government, and where the ecclesiastical soon gained the ascendancy over the civil power, we shall discover, if I mistake not, instances of bigotry not less atrocious, and of interference by the priesthood with the civil power, much more dangerous, than any that can be selected from our history, when the nation was in the most abject submission to the see of Rome.

It is unnecessary and unwise to conceal or extenuate these errors of our first reformers. Burnet, in his account of the proceedings against Joan Bocher, displays a fruitless anxiety for the re-

putation of Cranmer. He informs us, that the commissioners took much pains about her, and had many conferences with her; but she was so extravagantly conceited of her own notions, that she rejected all they said with scorn. As if a person, who had bewildered herself with such notions, was accessible to reason and argument! The immediate consequence of such principles of persecution was, that they furnished the Catholics, in the next reign, with ground of excuse and recrimination. It was said, that men of harmless lives might be put to death for heresy, by the confession of the reformers themselves. In all the books published in Queen Mary's reign, justifying her severities against Protestants, these instances were constantly produced; and when Cranmer himself was brought to the stake, they called it a just retaliation.*

* Neal, Abr. vol. i. p. 36.

That part of the nation, which did not take its religion upon trust, was now earnestly occupied in settling its faith by disputation. Instead of commencing their researches with the moral part of the Christian scheme, the Reformers, undervaluing this, boldly plunged into the discussion of its mysteries; and, in a period of society when the qualifications for such sublime enquiries were rare, entered upon the widest field that was ever exposed to human speculation. Far from imbibing from the scriptures a spirit of charity and union, they sought only for grounds of separation; and drew up articles and professions of faith comprehending the points essential to salvation. Each society of Christians claimed to be exclusively in possession of truth; each consigned to everlasting perdition those who differed in opinion.* The more in-

* Church of England, in the 18th article, confines salvation to the Christian, and in the Athanasian creed to those who believe it. "This is the Catholic faith,

capable any one was of forming a rational judgment, the more fierce was he in the maintenance of his opinions ; the more anxious to impose them upon others by force ; the more ready to give the only proof of conviction in his power by suffering for them himself. Toleration was neither offered by one party, nor would have been accepted by the other ; and the spirit of persecution is the characteristic, not as some would have us believe, of a particular religion, but of a particular age ; and results uniformly from defective morality, and imperfect civilization.

which, except a man believe faithfully, he cannot be saved."

"*Extra ecclesiæ gremium nulla est speranda peccatorum remissio nec ulla salus.*" Calvin. l. 4. Instit. c. 1.

"Out of the church there is neither life nor everlasting happiness." Scotch profession of Faith, 1568.

"Out of the church there is nothing but death and damnation." Catechism of Hugonots.

Mary.

It can never be the interest of any real friend of religion, to palliate the enormities which have been committed under its name, or to rescue the authors of them from the execrations they deserve. The short and calamitous reign of Mary may well be viewed by Catholic and Protestant with equal sentiments of regret, abhorrence, and indignation. If I do not instance examples of horrid cruelty and oppression, it is solely because they are so numerous, that selection is difficult, and because the activity of Protestant writers has already made them familiar to every English reader.

Mary was cursed by nature with a weak understanding, and a sullen, cruel, and revengeful heart. The recluse life which she had led, had not only ren-

dered her a prey to melancholy, but by increasing her bigotry, and imparting the most contracted views of policy, had totally disqualified her for the duties of a sovereign. She ascribed, and with great justice, to the new tenets, all the misfortunes of herself and family. She had been obliged more than once to apply to her relation, Charles V. and solicit his interference, that she might be permitted to enjoy in private the exercise of her religion. She even attempted to make her escape to him; and it was not till hostilities were threatened, that the violent measures which the Reformers meditated against her were abandoned. She came to the head of a government absolute in practice at least, if not in form; and, from the repeated changes which had lately occurred, she had some reason to expect that the nation would return to the religion of its ancestors, whenever their sovereign's predilection for it should be manifested.

She had the concurrent testimony of all, even the reformed churches, that the power with which she was invested, might with propriety be exerted in the vigorous suppression of heresy and schism. We have before shewn Cranmer's practice on this subject. In another country, Calvin, a great luminary of a new church, had considered the errors of Servetus so heinous, that they could be expiated only by a cruel death; and this barbarity had received the sanction and applause of Beza and Melancthon, two of the most humane and enlightened advocates of reformed religion.

It is infinitely to be lamented, that at this particular juncture, the sceptre should have descended into hands, at all times incapable of wielding it to the advantage and happiness of the nation. Carrying in our minds the erroneous principles of religion and government,

by which both parties were equally actuated, let us imagine what would have been the probable consequence, had Mary succeeded immediately to her father Henry, and had she and her coadjutors, Gardiner and Bonner, been Protestants ; and, on the other hand, had Edward, Cranmer, and the protector Somerset, been Catholics, and succeeded Mary. In other words, let us suppose the order of succession, and the religion of the parties, to have been reversed. Is there not every reason to think, that the nature of events would have been reversed also? Can we doubt that the same violence which now disgusts us, in her attempts to restore the Catholic, would still have signalized her endeavours to establish the Protestant faith? and that the stigma which some would cast upon the religion itself of Catholics, would then have been affixed to the doctrines of our early reformers of the church of England? What, then, does

this prove, but the absurdity of ascribing these enormities to any system of religion exclusively ; when they are, in some cases, sufficiently accounted for by the characters of persons? Mary, and her husband Philip, from the qualities of their minds, were able and inclined to fill ten kingdoms with misery and desolation.

The conduct to be observed to their opponents in religion, was naturally a frequent subject of conference before the queen and council. Gardiner and Pole were the persons whom she chiefly trusted. Gardiner, like Wolsey, was an active and ambitious priest, whose faith sat but loosely upon him. When examined by the council, in the late king's reign, he shewed every disposition to make his theology bend to his love of power ; and he refused to sign the articles of subscription proposed to him, only because, from the exorbitancy of

the demands, compliance on his part would have exposed him to contempt and insignificance. But, on the present occasion, this man recommended measures of severity; and was influenced, not by his anxiety for the interests of his religion, but by the austerity of his temper, and his arbitrary notions of government. Pole, on the other hand, though devoted to his faith, was a man of mildness and humanity, and thought that the triumph of the Roman religion would be too dearly purchased at the price of the blood and suffering of his opponents. It is to be observed, however, that Gardiner uniformly suggested cautious counsels, and it was not till after his death, that Philip and Mary adopting the profligate and infamous Bonner, carried their absurd and wicked schemes into effect.

The queen, previously to the meeting of her second parliament, had dropped

the title of supreme head of the church ; and, by the influence of Spanish gold, the intrigues of Gardiner, and other means, had procured a set of men, who, she had every reason to expect, would be obedient to all her wishes. They voted an address to Philip and Mary, praying their intercession with the holy father, that the kingdom might again be placed under his spiritual protection. But it is worthy of remark, how even in the least enlightened and most superstitious times, the religion of large bodies of men is uniformly subservient to their temporal interests. The parliament was not brought to make these concessions to Rome, till, by repeated assurances from the Pope and queen, by a statute of their own, backed by an act of convocation, they had quieted their fears about the restitution of the property of which they had plundered the Romish ecclesiastics. The abbey and church lands were guaranteed to their present

possessors, and the parliament, with the greatest indifference, again submitted themselves, and the nation, to the yoke of the church of Rome.

Elizabeth.

THE severities inflicted by Mary were followed by consequences which, however they might disappoint her expectations, a long and uniform experience has shewn to be the natural result of persecution. At her death, the body of the people, instead of being reconciled, were still farther alienated, than at her accession, from any communion with the see of Rome. Elizabeth, at her very entrance upon government, was surrounded with many of those dangers which, through a long reign, attended upon her. Amongst these, the choice of a national religion was the most immediate, and as so many others referred

themselves into this, it was also the most formidable. She seems to have been less under the influence of religious bigotry than any of the great princes, her contemporaries ; and though from education, and perhaps conviction, disposed to favour the Reformation, yet, not to have regarded with abhorrence the rites and ceremonies of the Romish church. When she looked at home, she found her people divided into two religious factions, nearly balanced in power, inflamed by mutual injuries to the highest pitch of animosity, and equally inclined to appeal to the sword as the proper weapon for deciding theological controversy. Toleration would have exposed her to the suspicion of weakness and insincerity ; and, perhaps, have left her without that cordial support from any portion of her subjects, which the critical nature of her foreign relations absolutely required. The great Catholic powers were then engaged in

an attempt to suppress the new opinions by an extermination of those who adhered to them; and they afterwards reaped the bitter fruits of their policy, in the dismemberment and ruin which it brought upon their empires. Experience, from recent events, proved to Elizabeth, that an alliance with Philip II. of Spain, or the King of France, cemented by a common religion, could not be purchased at a less price than with the loss of the affection of her subjects; and what she valued as much, of her independence as a sovereign. The loftiness of her spirit, her love of popularity, the jealousy of any participation in her power, all these motives sufficiently disinclined her to any system of policy which was likely to expose her to such dangers. But the peculiar circumstances of her birth made any reconciliation with the see of Rome impracticable. If the authority of the Pope were in any shape recognised, her legitimacy and title to

the crown were immediately called in question. A sentence had been solemnly pronounced by two Popes* against her mother's marriage; and it was easily seen that this could not be recalled without rendering papal decrees for ever contemptible. The haughtiness and extravagant pretensions of the Roman pontiff, Paul IV. had already been fully manifested; and deprived her of all hopes of compromising these delicate points of discussion. Mary, Queen of Scots, as grand-daughter of Margaret, eldest sister of Henry VIII. was next heir of blood to the crown, if Elizabeth's title had been invalidated. The degrading subserviency to the royal will, so repeatedly displayed by the parliaments of this period, had naturally weakened their authority; and, in the eyes of many, particularly of the Catholics, Mary's title by blood had the

* Clement VII. and Paul III.

preference before the parliamentary title of Elizabeth. Mary's mother was a sister of the house of Guise, and Mary herself was now married to the Dauphin Francis, son of Henry II. King of France. Unfortunately for Mary's future happiness, at the instigation of her father-in-law, she had already assumed the arms and stile of a Queen of England. A foundation was thus laid for that incurable jealousy, which so many subsequent causes tended to exasperate; it was obvious that, on the first opportunity, the ambition of the Duke of Guise, and his brothers, Mary's uncles, would prompt them to enforce upon the pretext of religion, a claim in their niece to the crown of England.

This then was the combination of circumstances which presented itself to Elizabeth, when she came to establish, by her will, a national religion. It must be allowed, that she was placed in a

situation perplexing and full of dangers. Having made her choice, the conduct pursued by her, will be best understood by a review of the penal statutes, passed during her reign.

By the 1 Eliz. c. 1. the supremacy was restored to the crown, in as extensive terms as it had been originally conferred by the 26 Hen. VIII. c. 1. above recited.

Upon the 18th section the court of ecclesiastical commission was grounded, to the proceedings of which we shall hereafter have occasion to advert.

The 19th section imposed the oath* of supremacy, not only upon all ecclesiastical persons, and upon every lay and temporal officer, but also upon all who in any manner received her highnesses "fee or wages."

* Repealed, 1 W. & M. c. 8. sess. pri.

By the 5 Eliz. c. 1. § 2. If any one by teaching should hold, or stand with, or by speech, should advisedly attribute to the see of Rome the jurisdiction it had before exercised, he incurred the penalties of *præmunire*. The 5^t section extended the description of persons who were to take the oath of supremacy, and imposed it by name upon all public and private teachers of children, upon all who should take degrees in any university, and upon all that had taken, or should thereafter take, any degree of learning in or at the common law.

Without minutely tracing the provisions of the subsequent acts, most of which are now virtually or actually repealed; we must still, in order to comprehend the condition to which the Catholics were reduced by them, observe, that they aimed at the suppression of popery in the three following ways:

I. By conversion through the operation of penalties.

By 23 Eliz. c. 1. § 5. Any person above the age of sixteen, absenting himself from church for a month, was liable to a penalty of £20; and as a punishment for the obstinacy of those who forbore, for the space of twelve months, they were over and besides the said penalties, to be bound with two sureties to their good behaviour, in the sum of £200, and so to continue till they conformed.

The 35 Eliz. c. 1. condemns to imprisonment, till they conformed, all those who absented themselves from church for forty days; and who afterwards were found at any unlawful assembly, conventicle, or meeting, under colour or pretence of any exercise of religion.

II. By debarring the Catholics from

the exercise of their own religious rites and ceremonies.

23 Eliz. c. 1. § 4. Every person who should say or sing mass, being thereof lawfully convicted, was to forfeit two hundred marks, and be committed to prison in the next goal, there to remain by the space of one year. Every person willingly hearing mass to forfeit one hundred marks, and suffer imprisonment for a year.

III. By depriving the children of Catholics of all means of instruction by teachers of their own persuasion.

And this by the 5 Eliz. c. 1. § 5. above stated.

By 23 Eliz. c. 1. § 6. Any person keeping a schoolmaster, who did not repair to the church, or was not allowed by the bishop, should forfeit for every

month £10, and the schoolmaster himself to suffer imprisonment for a year.

By the 27 Eliz. c. 2. § 5. "Any person brought up in any college of Jesuits or seminary, priests beyond the seas, who did not within six months after proclamation return, and submit himself before a bishop, or two justices, and take the oath of supremacy, then any such person otherwise returning, was adjudged a traitor, and was to suffer as in cases of treason."

The 6th section subjects to the penalty of *præmunire*, those who send money to any person in such foreign college.

The object of Elizabeth's policy, was clearly to disable those as enemies whom she thought she could not trust as friends; but her aversion to enormous cruelty prevented her measures from

being effective. The Catholics were irritated, but not subdued by these severities. Even at this period, when, unfortunately for religion, and the peace of society, theology so much influenced the politics of Europe; princes, in their transactions with each other, avowed their conviction, that temporal interests would always prevail over spiritual. Upon the treaty of Edinburgh, in the very commencement of her reign, Elizabeth scrupled not to appoint the bigoted Philip umpire between her and the crown of France. Thus also, at every period of her reign, an union between the great Catholic sovereigns of France and Spain, would have been sufficient to overwhelm her power. Religion as much recommended this junction of interests, as their political views opposed it, and Elizabeth setting at nought their religious animosity, maintained the kingdom in security and independence. And when, upon the approach of the Ar-

mada, the puritan Leicester proposed to her the same inhuman policy which the Catholic Alva had suggested to Catherine of Medicis, in her treatment of the Hugonots, and advised her to dispatch the leaders of the Catholic party, she rejected it with her usual good sense and magnanimity. Oppressed as they were, she thought that they would still institute a comparison between the evils of domestic and foreign subjugation; and she soon experienced how highly even this forbearance was appreciated by the zeal and activity they displayed in defence of their native country.

It would have been happy for her, had she possessed the benefit of our experience, and learned that the extension of the same enlightened policy is the true secret for appeasing domestic dissension.

That upon a total change of religion, and before any proof of the submission

of her subjects, some criterion to distinguish the obedient from the non-conformists, should be adopted, could not, according to the principles of that age, be deemed unreasonable. It must be admitted also, that the Catholics, from their declared maxims, and recent conduct, were not entitled to any great indulgence at the hands of a sovereign of a different persuasion. Of that part, therefore, of the act of supremacy, by which a test was required from all those who enjoyed a share in the administration, and emoluments of the state, the Catholics had no great reason to complain. But here the most bitter exclusionist of the present day must admit, that she ought to have stopped. When the oath was imposed upon all public and private teachers, when conversion by penalties was attempted, when the exercise of the Catholic religion in any manner, however private, was prohibited, when its votaries were deprived of

all means of educating their offspring, we see legislation pushed beyond its proper limits, and an assumption of power, in its principle as unjust, as its operation is baneful. The Catholics, during this whole reign, were upon the brink of rebellion, and the eternal controversy will be, whether the penal laws were the cause, or the consequence of their disaffection. The 5th of Eliz. is the first statute which materially interfered with their rights: Lord Montacute opposed the bill, and asserted in favour of the Catholics, “ that they disputed not, they preached not, they disobeyed not the queen, they caused no trouble, no tumults among the people.”*

The detention of the Queen of Scots was another circumstance which, resulting from a policy, not easily reconcilable with either generosity or justice,

* Hume, vol. v. p. 76.

was unavoidably attended with consequences which materially affected the tranquillity of the nation. If Mary could detach from his allegiance such a character as the Duke of Norfolk, a Protestant, and indisputably the first subject of England, can we be surprised, that such powerful motives combined, as compassion for her misfortunes, a sense of their own degradation, and the hope of enjoying, by her means, their rights and religion in security, should have prompted the Catholics to look to her as their rallying point, and tempted them perpetually to disturb a government by which they were insulted? It is unquestionably true, that the Jesuits and foreign priests were most dangerous enemies of the state; and that Mary and her partizans considered assassination a legitimate mode of redressing their wrongs. But men are driven into these detestable opinions. Persecution is itself a violation of the

essence of morality. This departure from the obligations which, independently of creeds and articles, connect human beings together, is uniformly encountered by a similar and equal departure on the side of the persecuted. When men suffer unjustly, they resist unwarrantably. Both parties conscious that human reason condemns them, delude themselves by looking up to higher sources of justification; and thus principles, fatal to human happiness, become ingrafted and incorporated with religion itself.

Elizabeth successfully pursued that policy towards foreign states which the religious divisions of her own subjects enabled them to retaliate upon her. If the Pope, Philip, or the King of France, instigated her Catholic subjects to revolt, was she one whit behind them in stirring up rebellions, by her intrigues with the inhabitants of the

Low Countries, the Hugonots, or the Scotch?

In fact, the sovereigns of this age, making a portion of their subjects, feel nothing of government but its terrors, exposed themselves most unnecessarily to the machinations of their enemies. When Elizabeth had rendered it highly penal for the Catholics to rear a native priesthood, and even prohibited domestic education, she had reduced them to the miserable alternative of becoming brutes or apostates. If they went abroad for the purposes of education, that foreign influence was necessarily created which was afterwards punished. Could it be matter of astonishment, that colleges established at Douay, Rheims, or Rome, under the superintendence of Jesuits, and under the patronage of Philip, Guise, or the Pope, should become seminaries of rebellion? And when, by the subsequent act, she required, upon

the penalty of treason, that those so educated should return and make submission, what was it but visiting with outrageous severity an offence which she herself had caused, and punishing the inevitable effects of her own previous impolicy?

That the penalties inflicted by these statutes were not vain terrors held over the heads of the Catholics, we have ample authority from history to prove. Hume informs us, that Elizabeth used to suffer the penalties to run on, and then levy them to the utter ruin of such Catholics as had incurred her displeasure. The Catholics too, in order to evade them, had recourse to the usual expedient of men in a state of insecurity, and were in the habit of making over their properties, to be held by others in trust for them, and a statute was expressly made to prevent this practice.*

* 29 Eliz. c. 6.

Upon the whole, in considering the Catholics under this reign, we see a body of men, in whose persons religious and civil freedom were equally and essentially violated. Between them and the state there was no association of interests, no protection on the one hand, to call forth attachment on the other. The object for which government was instituted, and upon the realizing of which it alone is entitled to support, was not answered as far as they were concerned.

CHAP. III.

James I.—Charles I.

JAMES I.

THE Catholics regarded the accession of James as an event likely to be followed by very important and beneficial consequences. They naturally expected, that their devotion to his mother's cause, and the sufferings to which they had been exposed in defence of it, would not be forgotten. James had written to Clement VIII. a letter full of the most mild and tolerating sentiments; and by himself, or his ministers, had even held out the probability of his becoming a proselyte to the Romish church. "It is certain," says Mr. Osburn, "that the promise King James made to Roman Catholics was registered, and amounted

so high, at least, as a toleration of their religion.”*

These promises were, we may presume, considered justifiable expedients to conciliate the Catholics, that they might receive him with joy as their sovereign. It was soon apparent, that they were never to be fulfilled. In the very commencement of this reign, an act† was passed for the due and exact execution of the laws enacted by Elizabeth; and the principle was still recognized in its full extent, that non-conformity was in itself a crime, and that without reference to political principles, Dissenters were liable to punishment for exercising their own mode of worship, and reject-

* Trial of conspirators in the gunpowder plot. State Trials, vol. i. p. 231, &c. Burnet's Summary, vol. i. History of his own Times. Laing's History of Scotland, vol. i. p. 56. Curry's Civil Wars in Ireland, p. 49, &c.

† 2 Jac. I. c. 4.

ing that established by the civil magistrate.

During the early periods of our history, the people and sovereign acting in concert, had in many instances presented a rampart against the usurpations of the church of Rome, and compelled the clergy to preserve their spiritual connexion with the Pope in subordination to their allegiance to the crown. Under Edward I. Edward III. and Henry VII. the nation went along with the sovereign in attempts to vindicate his independence and their own. But now, when the union of interests between the sovereign and the Catholics had been violently destroyed, and this portion of the people was proscribed, their privileges as citizens withdrawn, and every thing dear to them as subjects and men embittered or intercepted, they averted their views from their native country, which was to them a land of systematic bon-

dage and oppression, and cast their eyes abroad in search of that protection which they ought to have found at home. A new dynasty having succeeded without bringing to them any prospect of alleviation from their burthens, no ties of amity, no sympathy of interests being recognized by their Protestant fellow-countrymen, foreign influence instead of being extinguished was increased and confirmed. The Catholics might well consider that they were debtors to the state in a large amount of cruelty and injustice: the hope of wreaking their vengeance enabled Jesuits and other dangerous emissaries to brave all the terrors of the laws; they inflamed discontent for which already there was but too just ground, they broached doctrines the most subversive of society; and the Catholics received with greedy ears principles, which, under the sanction of religion, promised to give a loose to their hatred of their persecutors, and gratify their thirst

for revenge. To these causes we may attribute that almost incredible conspiracy, the Gun-powder Plot, emphatically termed by Sir Edward Coke, the Jesuits' treason.* In the trial of Garnet the superior of that order, it is somewhat amusing to find Coke himself strenuously urging, that the power of deposing princes was a power usurped by different popes, but which had never been authorized by the doctrine of the Romish church.† All must agree in the language of the Act,‡ that the Plot was an invention so inhuman, barbarous, and cruel, as the like was never heard of; but, when the statute assigns the reason why the House of Parliament was the spot chosen for this act of revenge, we cannot so readily concur in the epithets by which the legislature thought proper

* State Trials, vol. i. p. 250.

† I do not quote him as good authority, but as one of the fiercest bigots of the bigoted age in which he lived, and as the probable author of some of the most savage of the penal laws.

‡ 3 Jac. i. c. 1. Appointing a public Thanksgiving.

to designate its own acts ; we cannot immediately pronounce that the laws there made were “ necessary or religious laws,” nor that the Catholics “ falsely and slanderously termed them cruel laws enacted against them and their religion.” In fact, James himself never involved the body of the Catholics in the suspicion of general guilt ; but considered the Gunpowder Plot as the conspiracy of the Jesuits and of a few perverted men whom previous injuries had exasperated, and rendered more accessible to the influence of designing men. The king felt no such horror of the Pope as actuated his subjects ; on the contrary he corresponded with him, acknowledged him to be the first of Christian bishops in rank and dignity, and admitted his style of Patriarch of the West. At different periods James shewed a disposition to relax the execution of the penal statutes ; and whatever severities were inflicted on the Catholics during this or the following reigns of the

house of Stuart, they are to be ascribed, not to the personal aversion or disposition to cruelty of the sovereign, nor (with the exception of the Gun-powder Treason which occurred in the beginning of James's reign), can they be referred to the disloyalty of the Catholics themselves. They were called for by the religious temper of the Protestants, and especially of the House of Commons, who were perpetually urging the executive to acts of violence.

During the reign of James, this spirit began to display itself in repeated addresses to the king for a vigorous execution of the laws; to which, on one occasion, he returned an answer declaring against persecution as being an improper measure for the suppression of any religion, assigning as his reason the received maxim, "that the blood of the Martyrs was the seed of the Church.*"

* Hume vol. vi. p. 87.

The transaction upon which James most prided himself, was the settlement of Ireland. The policy by which that country had been hitherto governed, was peculiar, and probably unparalleled in the history of the world. The rebellions of the Irish are still perpetually referred to as sure indications of the national character, or of the genius of the Catholic religion; it is a part therefore of my subject to ascertain, if possible, from what causes those miseries really flowed, with which, during so many centuries, that unhappy country was afflicted.

Had Ireland never been invaded, some individual amongst its native chieftains, by a superiority in savage virtues, might have consolidated under one government the numerous septs into which it was divided. Containing within itself the elements of greatness, that country might then have passed from barbarism to civility through the usual steps, and in

the same period with other kingdoms. But this destiny was denied to it from its contiguity to a nation more powerful than itself, and which a long and close connexion with the continent of Europe had somewhat more advanced in refinement.

If we look back to the transactions of antiquity, we find repeated instances of conquests by enlightened nations over the barbarous regions surrounding them; or on the other hand, where civilization has dwindled into effeminacy, of polished nations becoming a prey to barbarians.

In either case, a mind seasoned with humanity, finds something wherewith to console itself. After the first shock of arms, the conquerors either imparted to the conquered, or received from them such an improvement in the arts and embellishments of life, such a participation in laws, commerce, and general inte-

rests, that the quantity of human happiness was seldom diminished, and often greatly augmented.

But Ireland was invaded only and not conquered: during the long period of above 400 years, it was at best stationary, if it did not recede in civilization; and the invaded were prevented from doing that for themselves which their invaders were always unwilling to do for them.

This imperfect subjugation of Ireland was caused by the ardour with which the English sovereigns were seized for conducting crusades, or making conquests in France; by the distractions incident to intestine commotions, or the contests between the houses of York and Lancaster; by the avarice of some monarchs and the imbecility of others.*

* Discovery of the true causes why Ireland was never subdued, by Sir John Davies. This is an author

But whatever were the causes, the effects to the Irish were never-ceasing misery and oppression. The insignificant conquests in the reign of Henry II. were made by private adventurers to whom he had given letters patent for that purpose. A continued bordering war was kept up between the English and Irish, just sufficient to hinder the introduction of the arts of peace, and altogether inadequate to reduce the natives to submission. Till the 39th of Elizabeth no vigorous attempt to subdue the country was ever made; no royal army paid or maintained by the state was ever sent, or if sent ever continued for any length of time sufficient for the purpose.*

The government being unequal to the

whose veracity and ability are unquestionable: he was some time Attorney-general in Ireland under James I. and as he tells us, in sundry journeys and circuits, had visited all the provinces in that kingdom.

* Davies, p. 9.

protection of the first settlers, lost all controul over their conduct. Partly by conquest, partly by intermarriage with the natives, their leaders soon became possessed of such territories and immunities, that they more resembled petty sovereigns than subjects. They made war and peace without the consent of the state; their forces were recruited from their own domains; and maintained by coigne and livery,* and other modes of extortion equally abominable. Many of the English tenants to whom these oppressions were intolerable, quitted their lands and returned into England; they were replaced by Irish tenants; with these the lords intermarried and fostered; upon them they levied all the

* Davies 31, &c. Coigne and livery was horse-meat, man's-meat, and money without any ticket or other satisfaction. "It is said in an ancient discourse *Of the Decay of Ireland*, that though it were first invented in Hell, yet if it had been used and practised there as it hath been in Ireland, it had long since destroyed the very kingdom of Belzebub." Id. p. 33.

Irish exactions ; and within one age both lords and freeholders degenerated into mere Irish in language, apparel, arms, and in all customs of life whatever.*

The real English dominion was soon circumscribed within the limits of a narrow district lying in the centre of the kingdom called the Pale, consisting of the county of Dublin, and the three adjacent counties of Louth, Meath, and Kildare. Whatever might be the case with the heads of the Irish septs, or great lords, the body of the Irish were at all times anxious to be placed under the protection of the English laws and government. This was a wish dictated by the extreme insecurity and oppression to which from the native Brehon law and Tanistry they were perpetually exposed. This wish is evinced by a petition presented by them to Edward III. desiring that they might enjoy and use the laws

* Davies, p. 32.

of England, and by the alacrity of their submission to Richard II. and other royal or powerful personages, whenever they appeared amongst them.*

Will any one who knows what the meaning and end of government is, believe, unless upon the most irrefragable evidence, that such a wish should perseveringly have been resisted, not by the heads of the septs alone, but by the English rulers also? Unfortunately, the fact is but too well established by the existence of records in civil and criminal pleas, and of charters of denization, which, the Irish were compelled to sue out even so late as the accession of James. By these it sufficiently appears, that, neither could an Irishman recover for any civil injury against an Englishman, nor was he in the King's peace, so that if killed his murderer could be punished. In fact, with the exception of

* Davies p. 99, &c.

the English colonies, and a few enfranchised septs of Irishry, the whole nation was placed in a state of outlawry; and the Irish were reputed aliens, or rather perpetual enemies to the crown of England. The avowed though execrable and inhuman policy during many centuries was, to draw a line of eternal separation between the English and Irish; and by fomenting divisions amongst what were called the English-Irish, and exciting wars between them and the natives, to extirpate those whom it was found impossible to conquer.*

Good government would lose its praise and its value if such a system of rule had not been a fruitful source of misery and desolation. Here are causes totally independent of religious animosities which made rebellion virtue, and submission, not resistance, treason.

* Davies, p. 114.

The wretched natives, as is uniformly the case, were victims to the crimes of the government: denied protection by the English, they were compelled to seek it in the strictest union and most unlimited obedience to their immediate lords. By them they were kept in the darkest ignorance and grossest barbarism, that they might be more subservient to their will; and this policy was not unacceptable to the English, who thought that in such a state they were less formidable to their authority.

That the power of Shan O'Neale, of Desmond, or of Tyrone in the reign of Elizabeth, was inordinate, may be granted; that the vices and ignorance of the nation were excessive, there is no reason to doubt; but it ought to have been remembered what had occasioned that power in the chiefs, and that uncivilized state of the people. Or to whatever source these defects in the condition of

the Irish people might be ascribed, they furnished no excuse for that shameful perfidy and merciless cruelty by which the former was suppressed and the latter chastised.

But the enormous forfeitures,* which on every rebellion, fell to the crown and were divided amongst the English employed under it, were a harvest so rich, and temptation so powerful, that, the prospect of them effectually overcame in general the virtue of the deputies

* 574,628 acres, English measure, upon the attainder of Desmond and his confederates, were forfeited and disposed of to English undertakers.

Upon the last revolt of Tyrone in the reign of James, six whole counties in Ulster, containing 500,000 acres were confiscated, the inhabitants expelled, and a colony of Scots planted in their room.

There must have been excellent gleanings for the officers civil and military of the English government, if we may judge from a grant to Sir Walter Raleigh of 40,000 acres. — Curry's Civil Wars in Ireland, p. 27, &c.

and commanders appointed to govern Ireland.

Hence the chiefs were studiously driven into insurrection, no faith was kept with them, no pardon for former treasons was ever binding, they were ensnared when they appeared within the English pale to answer charges fabricated against them, and often executed without any regard to law, honour, or humanity.

Doctor Curry has published a most curious memorial* addressed to Eliza-

* Lee's Memorial Appendix to Curry, No. I; written during the government of Sir William Fitzwilliams, 1594. Lee offers the following test of the truth of his charges: "I desire not that your majesty should either simply credit me this my plain detecting them (i. e. her officers) nor them in excusing themselves; but if it please your highness, to appoint commissioners in that realm for the trial, if I prove not directly all that I have here declared, let me lose your gracious favour for ever."

beth by one of her captains in Ireland, fully justifying the remarks I have made upon the character and conduct of the governors of his time. He states himself to have been intimately acquainted with Tyrone, and attributes his resistance to her authority solely to his experience of the treachery which was practised against those who submitted to it. I will venture to offer a few extracts.

“ And whereas some affirm, that he (Tyrone) standeth upon a pardon for himself and his followers; I think not so; for he and they hold themselves in less safety thereby than they were before, because they have seen pardons serve (in their conceit) rather for traps to catch others in, than for true and just remission and acceptance into the free benefit of subjects, which maketh him fear the like practice towards himself.

“ If there go not some speedy contentment to the earl, to stay all this expected fury which is like to happen, but that there must be present wars* made upon him and his adherents, your majesty shall take him in hand at a very unfit time, when they are thoroughly provided to do great mischief, and your majesty not so provided to defend your poor subjects from their sudden force and fury.

“ Your majesty, since you were queen, never had so great cause to bethink you of the service of that place, as now you have. Your highness shall not get so great honour in cutting off him and thousands of those bare people that follow him, as you shall to win him and them to be good and loyal subjects, and to live and serve your highness for good offices.

* The wars, however, did succeed ; and after the failure of Essex, an immense loss of blood and treasure, were concluded by the submission of Tyrone to the deputy Mountjoy.

As the case now standeth with the earl, he hath small encouragements to be otherwise than now he is.

“ For where it was your majesty’s pleasure he should have great encouragement given him, by thanks for his last service against Maguire, it was held from him ; and, instead of that, they devised *all means and policies to aggravate matters against him to your majesty*, which is credibly made known unto him ; and more, *that upon what security soever he should come in, your majesty’s pleasure is to have him detained*. How he hath these advertisements hence, I know not ; but your majesty is, or shall be, informed, that he and his lady are papists, and foment seminaries, &c.

“ True it is, he is affected that way, but less hurtfully and dangerously than some of the greatest in the English pale : for when he is with the state, he will

accompany the lord deputy to the church, and home again, and will stay and hear service and sermon; they, as soon as they have brought the lord deputy to the church door, depart as if they were wild cats, and are obstinate: but he (in my conscience) with good conference, would be reformed; for he hath only one little cub of an English priest, by whom he is seduced, for want of his friend's access to him, who might otherwise uphold him," &c.

With this not very bigoted practice of his religion, Tyrone, like an able leader, gladly accepted a phœnix plume consecrated by the Pope; and probably found the value of the present in the blind devotion to his cause with which it inspired his followers. The worship of a nation, so circumstanced as the Irish, could be nothing but mere idolatry. Had they been capable of the benefits of the Reformation, the mem-

bers of the church, recently established amongst them, were not likely, from their characters or abilities, to make numerous proselytes. “Whatever disorders,” says Spenser, “are in the church of England, may be seen in the church of Ireland, and much more; namely, gross simony, greedy covetousness, fleshly incontinency, careless sloth, and generally all disordered life in common clergymen.”*

Indeed, while reviewing the civil wars and rebellions of Ireland, it is quite impossible, with any regard to truth, to compliment the Protestant at the expense of the Catholic religion, on the score of its superior humanity or tolerating spirit. The adherents of both seem equally interested in admitting, that the real origin of the multiplied calamities under which that country suffered, is to be traced to the system of

* State of Ireland, p. 131. Curry, p. 5.

tyranny and misrule which had so long prevailed. As far as religion instigated either side, it was of that spurious kind which infuses rancorous malignity and deadly hatred into the breasts of men. It was a bond of inhuman persecution to the Protestants, and of savage retaliation to the Catholics; while an Irishman and a papist was held up as necessarily an enemy to God and his sovereign, an Englishman and an heretic was considered an irreconcilable foe to all religion and humanity.

James, to quiet the apprehensions of his Irish subjects, very prudently passed an act of oblivion, comprehending all offences against the crown, and all particular trespasses between subject and subject, committed before the commencement of his reign. Not long after,* the king issued a proclamation, setting forth

* In 1605. Curry, p. 56.

that his subjects of Ireland had been deceived by a report, that he was disposed to allow them liberty of conscience, wherefore he declared to all his beloved subjects, that he would not admit any such liberty; ordered them to frequent their respective churches and chapels, and enjoined a strict execution of the statute of uniformity passed in the second year of Elizabeth. This statute, and the act of supremacy, were now first imposed upon the Irish. They had been passed through the Irish parliament in the queen's reign by force and fraud, and had hitherto been dispensed with. The fines levied, in consequence, were esteemed just and necessary by the king, as he had conceived a hope, "that many, by such means, would be brought to conformity, who, perhaps, would afterwards find cause to give thanks to God and him for being drawn by so gentle constraint to their own good."*

* Curry, pp. 56 & 66.

This is the stale, and insolent plea, upon which all persecutors have justified their cruelties; and such hopes, real or pretended, avowed and acted on in the government of Ireland, were sufficient to counteract any benefits, which might otherwise have arisen, from the improvements introduced by this king into its civil polity. These improvements consisted in placing the whole kingdom under the protection of the English law; in introducing sheriffs into the shires, which had hitherto been without them; and in enabling justice to make her regular circuits through all the provinces. What then was wanting? A more enlightened, virtuous, and impartial administration of the powers of government. Laws cannot execute themselves; and the beneficial influence of them must be felt by those who preside over their execution, before they can yield peace and joy to a people. What Ireland suffered from this want, I shall have occa-

sion to point out. In the mean time, we must make large allowances for the enthusiasm of one who was aware of the iniquities of past times, and was the cause, in some degree, of the present amendment; we must give full latitude to the exception made, before we can agree with Sir John Davies, that now "the clock of the civil government is well set, and all the wheels thereof do move in order; the strings of this Irish harp, which the civil magistrate doth finger (for I omit to speak of the state ecclesiastical) are all in tune, and make a good harmony in this commonweal."

CHARLES I.

WHETHER any and what benefits can be fairly said to result from that close union between church and state, which the acts of supremacy created, is a question upon which the best friends of religion and liberty must be allowed to

pause, and express themselves in terms of doubt and hesitation. The powers of civil, and those of ecclesiastical government, are as widely different in their extent, as in the ends for which they are exercised: the aid which they alternately attempt to give each other, is generally fallacious, and operates ultimately to the prejudice of both. A religion established by law, leans for support, not upon reason, but on temporal power; and a civil magistrate, who is taught that he is the arbiter of a nation's faith, listens to the dreams of ecclesiastics, and challenges obedience as his right by divine indefeasible commission. This blending in the same individual of pre-eminencies, not easily compatible, was one main source of the misfortunes of the house of Stuart. The restraints upon liberty of conscience, and exercise of religion, which the penal statutes imposed, produced on the part of the Catholics disaffection under Elizabeth, and conspi-

racy under James I. To the same injudicious severities must be ascribed that formidable schism which now existed amongst the Protestants themselves ;—a schism, originating in differences the most frivolous imaginable, but become fatal and irreconcilable. The indiscreet zeal of the sovereign for the establishment of religious uniformity, conjoined with the preposterous endeavours of churchmen to defend arbitrary power in the crown, were followed by a convulsion from the top to the bottom of the political fabric ; and, in the end, the church itself was destroyed, and monarchy overthrown. With such ill grace and effect does the rude hand of the magistrate interfere with a view to compose religious dissension ; so impracticable is the attempt to divert men from errors of opinion by the employment of force, even when those errors proceed from causes so widely dissimilar as superstition and fanaticism.

At first sight, it appears very singular, that in all the struggles between Charles and his subjects, no prospect of relief should have been opened to the Catholics. We observe during his reign a great combination of most able men zealously shaking off the shackles of civil and ecclesiastical tyranny; and deeply sensible of the intolerable oppression of the court of high commission, and of the penal laws, when exercised against themselves. We might expect that the rights of conscience which the patriots asserted in the highest degree for all Protestants, they would allow to members of another persuasion. Yet it is notorious, that all the advocates of liberty who appeared in this age, were not merely indifferent to the sufferings of the Catholics, but laboured to increase them; and were distinguished by an inveterate and eternal hatred against their religion. This argues either a peculiar delinquency in these religionists, or that the princi-

ples of liberty then current were of a bastard and spurious kind.

As the causes which, at the period we are now reviewing, produced such an irremovable jealousy and detestation of the Catholics, have been in a considerable degree permanent, and influence our conduct towards them at the present day, it may be useful as well as interesting to endeavour to trace them to their origin.

Many of our earliest reformers, aware, that by a passionate and declared zeal against popery they had rendered themselves obnoxious to punishment, fled into foreign countries from the severities inflicted by Mary,* and returned into Eng-

* "Peter Martyr that had come over upon the public faith, had leave given him to go beyond sea; so also had Alasco and the Germans; and about 200 of them went away in December: but, both in Denmark where they first landed, and in Lubeck, Wismar, and Hamburgh,

land upon the accession of Elizabeth. Heated by the warmth of their own tempers, and by their communication with Calvin and other divines, the moderate reformation, which had taken place in their own country was little less distasteful to them than to the Catholics themselves. The foundation of their religious system, was the unlimited permission they allowed to all men of exercising the right of private judgment in matters of faith. A noble and philosophical principal certainly! and containing within it the precious germ of civil and religious freedom: a privilege

to which they removed, they were denied admittance because they were of the Helvetian Confession, and in all those places the fierce Lutherans prevailed; who did so far put off all bowels that they would not so much as suffer these refugees to stay among them till the rigours of the winter were over; but at last they found shelter in Frizeland."—Burnet's Hist. Ref. Abr. b. iii. p. 224.

About a thousand of the English had escaped before the council took means to hinder them. Id.

flattering in the highest degree to the ambition of the human heart; grateful to all, though delusive in some degree as far as the mass of any nation is concerned; dangerous even to the best informed, unless embraced with the caution and moderation befitting the extent of human capacity. By the irradiation which occasionally was poured upon the minds of the most ignorant equally with the most instructed, the will of the Almighty was supposed to be manifested; and every prescribed form of external homage which man could pay to his Creator, they considered as altogether unworthy of his perfections. Human learning they rejected as mere dross; and to employ in aid of devotion material objects, such as painting, or sculpture, or the pomp or elegance of vesture, was to sully the purity of worship, and call off the mind from that inward contemplation by which alone the attributes of Deity could be grasped and

comprehended. The necessary effect of this abstract and spiritualized system of devotion, was, to abate the reverence of those who practised it for all institutions, forms, ceremonies, and powers which were of human invention. All these were reduced in the eyes of the Puritans to a parity of insignificance.

The confusion of all order religious and civil, the destruction of all elegance, the depravation of all learning, are among the consequences to be dreaded where such a spirit of religion has deeply infected a people. While the mind is gasping after unattainable purity, the ordinary decencies and duties of life run an imminent hazard of being undervalued and neglected. The salutary checks which the moral sense or common reason afford, are displaced and rejected ; and the individual is delivered over a prey to absurdity and extravagance. The very strength with which a villainous propen-

sity is entertained too often passes for a proof that it is an inspiration. The lowest and weakest of mankind are naturally most disposed to embrace a system of religion, in which, no preparation is requisite to become a proficient, no endowments natural or acquired are availing; and every debauched and delirious mechanic is happy to be convinced with Mawworm in the play,* that he is particularly favoured, and is sure that he has had a call.

A very slight enumeration of a few of the distinguishing characteristics of the Romish Church will satisfactorily shew how abhorrent and diametrically opposite to it the genius and speculative principles of the Puritans necessarily were. The Romanist believes that a canon of faith has been imparted to man by divine revelation; and that this reve-

* Hypocrite.

lation is contained not in Scripture alone, but in tradition likewise, by which Scripture itself is truly known. This Church professes to reject every novel doctrine, to teach nothing but what it has received at first.* To confer on a traditive rule of faith divine authority, it must be carried up to the preaching of the Apostles; whether such rule is attended with the properties of a revelation, a general œcumenical council can alone declare; and this church in council is infallible from the promise of its founder, and consequently cannot allow individuals to examine, what, by virtue of this prerogative, it has once decided. The pre-eminence of honour, rank, and executive authority in spirituals, over the church wherever scattered, is attributed to the Pope as the successor of St. Peter; and from him derived and divided amongst all bishops and pastors, and even the lowest members of this catholic

* Preface to Fleuri's Ecclesiastical History.

or universal communion. The priesthood are separated from the laity as vessels destined to honour ; collectively they are the depositaries of truth, and expounders of doctrine ; individually, they dole out to their respective flocks such portions of the divine precepts, as their spiritual knowledge and wants may permit and require. In all ages the worship of the church of Rome has been in a high degree ritual and ceremonial, captivating in the first instance the human senses by the attractions of exterior solemnity and magnificence, and through them, exerting its influence on the heart and affections. It presents to its votary a long gradation of objects fitted to excite his adoration ; and, employing these as adjuncts and incitements, it professes to carry him forward to the contemplation of the GREAT FIRST CAUSE.

The corruption to which such a system of religious faith and policy obvi-

ously tends, is to extinguish liberty of thought; to degrade human reason; to render the priesthood a class of men too sacred and irresponsible, and imperceptibly, to foster in them views of personal aggrandizement and dominion. In every country this church has presented a well compacted fabric of subordination, and chain of dependance, from the highest to the lowest number: where the civil authority has acted in unison with its views, it has proved the firmest support and stay against innovation: where persecution has been attempted, it has, at all times, been able to exert a formidable resistance.

These being the speculative principles of the two religions, the Catholic and the Puritan, the views of their adherents on the subject of civil duties were proportionably discordant. The incompatibility of Puritan doctrines with her supremacy, or with her high

notions of prerogative, was early observed by Elizabeth; and some of the acts which were passed, especially in the latter part of her reign, were directed at least as much against the separatists from the church of England as against the Catholics. In the reign of James, Bacon pointed out the danger to government from this quarter. "Besides the Roman Catholics," writes he to his patron, "there is a generation of sectaries, the anabaptists, Brownists,* and others of their kind: they have been several times very busy in this kingdom, under the colour of zeal for reformation of religion:

* The Brownists derived their name from their founder, Robert Brown, whose boast it was at his death, "that he had been committed to thirty-two prisons, in some of which he could not see his hand at noon-day. The Brownists condemned equally episcopacy and presbytery; they did not allow the priesthood to be any distinct order, or to give any indelible character. Under the name of Independents, they became, during the civil wars, the prevailing party. Biographical Dict. ed. 1813.

the king, your master, knows their dispositions very well; a small touch will put him in mind of them; he had experience of them in Scotland, I hope he will be aware of them in England: a little countenance, or connivency, sets them on fire.”* James himself repeatedly and openly proclaimed his detestation of their principles, and his sense of their hostility to monarchical government. The whole reign of Charles I. was an ineffectual struggle against their formidable and rapidly rising power. The frame of their ecclesiastical polity having a strong leaning towards democracy, they were naturally disposed to investigate narrowly the foundations and limits of monarchical power. The splendour of majesty more offended their eyes, than imposed on their understandings; and they were induced to consider all human beings responsible to those over whom their authority was exercised. Measur-

* Advice to Sir George Villiers, vol. 3, 4to. ed.

ing all greatness by the degrees of spiritual grace vouchsafed to individuals, and believing that it was not confined by any accidents of station or birth, nor capable of being transmitted in the course of lineal succession, they were slow to recognize any power in the monarch by divine commission to regulate their faith or controul their actions.

We cannot blame Charles for striving to curb this temper in his subjects, so fatal to prerogatives, which had been exercised without dispute by his predecessors. The means he employed to counteract the danger, though ineffectual and tyrannical, prove him at least to have traced the source from which it flowed. He attributed the insubordination to the fanaticism of his people, and their fanaticism to the naked and metaphysical system of their tenets and devotion. It could not escape his observation, that this fanatical tendency had been effec-

tually provided against in the Romish church. He appears to have thought, that without approaching in doctrine, if he could assimilate in rites and ceremonies his establishment to that of Rome, he might be able to check that inquisitive and undaunted temper of mind in his people, so disposed to reject established precedent in temporal and spiritual subjects, and allay that spirit of fervour, which threatened to carry reform and restraint into every department of his power.

Now was Charles to prove to the world what benefit can be derived from that sworn league between church and state, which many are still so anxious to maintain. In vain did Laud and the king play into each other's hands, and through the star-chamber and court of high commission, endeavour to support each other's measures. The established clergy, by enforcing from their pulpits

the slavish doctrines of non-resistance, irreconcilably disgusted the political Puritans, who were ardently engaged in fixing limits to prerogative. Nor was it less fatal to the royal cause, that the authority of the crown was perpetually called forth to impose ceremonies on the religious Puritans which they abhorred. Thus the church and state became inextricably entangled, encumbered one another with help, and shared a common ruin.

The unfortunate Catholics, without any demerits of their own, were made parties in the contest. They neither did, nor could, resist the pretensions of the crown, nor the claims of the people. Charles regarded them without indulgence or aversion. He was disposed to treat them with forbearance. The only persecution the English Catholics endured at his hands was, that in his straits, while he governed without par-

liaments, he converted the fines upon recusancy into a source of ordinary revenue.

But to the opponents of administration in church and state, the cry of no popery was an invaluable and indispensable ally. It was then, as it is now, a cry of a most comprehensive nature. The essential difference in the genius and temper of the Catholic and the Puritan we have already endeavoured to explain. The feelings of holy indignation with which the latter regarded every thing belonging to the Romish church, created the most rancorous hatred against Catholics themselves. Slavery itself was not sufficiently odious, unless considered as an emanation from popery. To ask a rational cause of this extravagant hatred, is not to comprehend the nature of religious antipathies. They are formidable, because they neither spring from reason, nor yield to its influence. They

are undefined and mysterious,—a combination of every horror that the deluded and ignorant enthusiast can collect and mix up together. Those, who under an attack upon Laud, and the high commission, sought the overthrow of all tyranny, civil and ecclesiastical, combined readily by means of this Shibboleth with the religious fanatics, who saw in the new ceremonies the symbols of the beast, and the abominations of antichrist.

Charles had that deference for his queen, which her sense, spirit, and beauty justified; but there is no pretence for saying, that she had inspired him with any partiality for her religion. The insults to which she was exposed were disgraceful to the people who offered, and to their leaders who sanctioned, or at least were indifferent to them. The king was a church of England man, if ever there was one. The executions of priests, the continual panics propagated against

the Catholics, not from fear, but hatred, were the disgraceful instruments which the advocates of civil liberty were induced to adopt in pursuit of their glorious ends. The frantic fanaticism with which, not only the people, but the first patriots in the House of Commons, were too deeply imbued, sullies the fame which their noble resistance to civil tyranny has justly acquired.

This spirit was, at last, too powerful even for those who raised it to controul. Not only the outworks of superstition were levelled, but the fortress of religion itself was assaulted. Not only the slavish doctrines of arbitrary power were exploded, but the existence of all government was endangered. If the minds of the people were debased by the idolatry and gainful superstition of the Romish ecclesiastics, society itself was unhinged by the triumph of the independents.

Let no one rail at superstition, as the greatest perversion to which religion is subject, till he has maturely reflected on the consequences of fanaticism. The former may be the more contemptible, but surely the latter is the more formidable.*

There is a defect usually attributed to the Catholic religion, which a consideration of the events of the present reign disposes me to believe not inherent in the religion itself more than in any other, but confined to the priesthood, and belonging equally to the ecclesiastics of all persuasions ; I mean, the reproach of its

* Swift's Lord Peter, with his powder pimperlump, and his universal pickle, was undoubtedly a rogue and a charlatan ; but Jack, with his way of working his father's will into any shape he pleased, so that it served him for a night-cap when he went to bed, and for an umbrella in rainy weather, was the most disagreeable and dangerous member that ever composed a part of human society.

being inimical to civil liberty. There is a natural, but not amiable professional spirit which makes ecclesiastics indefatigable in the pursuit of their peculiar, at the expense of the general interest. The loudest in clamour when the privileges of their own body are attacked, they are the most indifferent to attacks upon other orders; the first to engross power, the last and most unwilling to share it when acquired. All history attests that they are qualified rather to bear adversity with patience than prosperity with moderation. It cannot be to the present period that the church of England looks with complacency, when it plumes itself upon being friendly to civil freedom. The principles of liberty are indeed deducible from the Presbyterian form of church government; but when the ecclesiastical overcame the civil power in Scotland, was there any change except from one to thirty tyrants? Have the ecclesiastics of Rome in modern

times claimed greater immunities for their order, more entire exemption from civil controul, than Laud and his associates? Have they ever more obtruded themselves into secular affairs, or interfered more with the temporal power of the state than the Presbyters in Scotland? Can any one of these churches in the day of its ascendancy justly assert that it has distinguished itself by its toleration of other sects, by its confining itself within its proper sphere of action; by practical forbearance, or meekness, or humanity?

In whatever degree, the most wanton and flagitious tyranny is preferable to absolute anarchy; and the most flagrant abuse of laws, better than the total absence of them; in that degree might Ireland be considered a gainer by the Reformation in its civil policy, which had taken place in the reign of James. The maxims upon which the government was

still carried on, could have no other tendency, than to keep open and inflame the wounds of that country. In the articles of impeachment, exhibited by the Commons of England against Lord Strafford,* we find it attributed to him, that, in a public speech, before many of the Irish nobility and gentry, he had declared, that Ireland was a conquered nation, and that the King might do with them what he pleased. To this charge he answers, that “ It might be fit enough in him to remember them of the great obligation they had to the King and his progenitors, who suffered them, being a conquered nation, to enjoy freedom and laws, as their own people of England.” It is difficult to determine when and how this conquest was effected ; but not at all

* State Trials, vol. i. 724—730. It was a peculiarity in the fate of this able but imperious and tyrannical statesman, that, having richly deserved death, it was at last unjustly inflicted on him ; and that he fell a victim to a violation of law greater than any of which he had himself been guilty.

difficult to foresee, that such a principle, if acted upon, must tend to the utter subversion and ruin of the kingdom. But this furnishes a clue to the conduct of the government in Ireland ; and Strafford was well entitled to all the benefit which could be derived from pleading the practice of former deputies, as an excuse for his own. Those unheard-of forfeitures, and that displacing of the antient inhabitants, to make way for fresh colonies, or plantations, as they were called, were now succeeded by a series of measures, calculated to perpetuate confusion and discontent. We are to recollect that at this period there were in Ireland more than a hundred Catholics to one Protestant :* yet were they treated with a degree of irritating contempt, as if they were an insignificant part, instead of the great majority of the nation. A free gift of 120,000*l.* having

* Curry, 108.

been offered to the King, in the name of his subjects of Ireland, and this sum being continued as a rate of assessment, it was proposed to raise the whole sum in future upon the Catholics alone, by putting the statute of uniformity in strict execution. Charles assented to the plan, and ordered presentments of recusants to be made throughout the kingdom, and fines were imposed on the juries who refused to find them. To this, as a state provision, Strafford objected; remarking, "that if it took that good effect for which it was intended, which was to bring the Irish to conformity in religion, it would come to nothing, and so would prove a covering narrower than a man could wrap himself in."*

Strafford's expedients for raising a revenue, though more efficient, were equally exceptionable. Upon his first arrival in Ireland, he summoned a parliament; and,

* Strafford's State Letters, fol. 47. Curry, p. 100.

by issuing his commands, under the shape of letters of recommendation, and by most violent interference in corporations, procured what he considered a set of quiet and governable men. Strafford was well aware that the King had given to the Irish, in 1628, a solemn promise, that in their next parliament, (which was that now assembled,) he would redress certain specific grievances under which they groaned. But sincerity and adherence to promises, were virtues not much in esteem with Charles, or his deputy in Ireland. Strafford was not ashamed to hold out, that, if the supplies were granted, the King would confirm the promised graces. "Surely," said he to his new parliament, "such a meanness cannot enter your hearts, as once to suspect his Majesty's gracious regards of you, and performance with you." All this while, a much greater meanness had got possession of his own heart; and, at the moment of uttering these words, he

had underhand engaged himself to Charles, that the graces should never pass, and that the grievances, of which the Irish complained, should not be redressed.*

The importance attached by the Irish to these promises, will appear natural, when one of these grievances is considered. A system of rapine and iniquity had for some time prevailed, under the pretence of a judicial inquiry into defective titles. This was one of the fruits of the received political doctrine, that Ireland was a conquered nation. It was

* Curry, 110. To such conduct the King was not only privy, but thought the deputy entitled to his acknowledgments.

Wentworth.—Before I answer any of your particular letters to me, I must tell you, that your last public dispatch has given me a great deal of contentment; and especially for the keeping off the envy of a necessary negative from me, of those unreasonable graces that people expected from me.—Straff. State Lett. vol. 1. fol. 331.

unquestionably one of the most impudent attempts, and the most impudently prosecuted against private property, that was ever heard of. The alarm, which such a proceeding must have excited, may be easily conceived: “false inquiries upon faigned titles to estates, against many hundred years possession, were procured, and no travers or petition of right admitted thereunto; and jurors, denying to find such offices, were censured to publique infamie and ruine of their estates; the finding thereof, being against their consciences and their evidences; and nothing must stand against such offices, taken of great and considerable parts of the kingdome, but letters patent under the great seale; and if letters patent were produced, (as in most cases they were) none must be allowed valid, nor yet sought to be legally avoided.”*

* Remonstrance of the Catholics of Ireland, 1642.
Appendix to Curry, No. 5—Carte's Ormond, vol. 3.

Now the redress against this grievance, which the Catholics sought, was simply this; that an act might be allowed to pass in Ireland, similar to the English act of 21 Jac. 1, by which possession for sixty years is made a bar to any title, even in the crown. Had there been any consideration of the peculiar circumstances of Ireland, or any wish for the tranquillity of that country, could a request so reasonable have been resisted?

It was however not only resisted, but these inquiries were pursued by Strafford, with every aggravation that insolence and avarice could administer. He informed the King that he should be able to find for him a just and honourable title to Connaught; and that the acquisition to his Majesty, in that province alone, would amount to 120,000 acres.*

* "Wentworth's project was nothing less," says Leland, "than to subvert the title to every estate in every

Just and honourable title! I can find none but of that species, which bare-faced tyranny, disguising direct fraud, by blustering insolence, is but too ready to create for itself; and if this be just and honourable, I see not why the robber, who rifles a house in the dead of night, is a fit subject for criminal jurisdiction. By these means, 150 patents, or titles to estates, were avoided in one morning; which course was continued till all the patents in the kingdom, with the exception of a few, were annulled and vacated.*

Notwithstanding the oppressions from this cause, and in spite of the courts of wards, and high commission, by which

part of Connaught, and to establish a new plantation throughout the whole province; a project, which, when proposed in the late reign, was received with horror and amazement."—Hist. of Ireland, vol. 3. p. 30.

* Remonstrance of the Catholics, &c.

the heirs of Catholic noblemen and others were destroyed in their estates, and bred in dissolute ignorance,* the Irish were still affectionate and untainted in loyalty to their sovereign. They fancied he was kept in ignorance of their real condition; that their actions and inclinations were distorted, in reports made to him, by the malice of the government of Ireland; and what they could not justify, they excused, as springing from those embarrassments, to which he was now reduced by enemies, common to him and themselves. It must be allowed, that the patience of a people so harassed was put to a severe trial; and that the tranquillity of the nation was precarious, and depended on a thread.

But, when Strafford was withdrawn from the administration, and the troubles between the King and the English

* Remonstrance of the Catholics, &c.

parliament had commenced, some new deadly infusions were poured into the cup of Irish calamity, which made the evils of their present, and prospect of their future condition, absolutely intolerable.

We are now approaching that signal instance of retribution, the Irish rebellion, or massacre, as it is often called, of 1641. There is a great load of infamy,* connected with this transaction, to be disposed of somewhere ; and it will ever remain a pretext for calumny, or an event pregnant with instruction. It is perverted to the former use, as often as it is imputed for blame to the Irish nation, or Catholic religion ; it serves the

* In the Icon Basilike, Charles says, or is made to say, " Indeed that sea of blood, which hath there been cruelly and barbarously shed, is enough to drown any man in eternal, both infamy and misery, whom God shall find the malicious author or instigator of its effusion." p. 89.

latter more worthy purpose, when the causes in which it originated, are understood, and allowed, as they ought, to sink deep into our hearts.

A remonstrance of grievances had at length reached the royal ear; and the Lords Justices were enjoined to assure the King's good subjects of Ireland, that his princely promise, formerly passed unto them, should be speedily performed. These directions, so far from being followed, were positively disobeyed. When Strafford retired from the government, he left behind him a regular and well disciplined army of 12,000 men: the English Commons never ceased soliciting the King, till he agreed to break it, and with a most unmeaning capriciousness, to say the best of it, prevented him from fulfilling the engagements he had entered into with the Spaniards, for transporting the army abroad. Twelve thousand Catholic soldiers, were therefore turned

loose in Ireland. It is the recorded opinion of Charles himself, that, “ if he had been suffered to perform his engagements to the Irish agents, and had disposed of the discontented army beyond sea, there is nothing more clear than that there could have been no rebellion in Ireland, because they had wanted both pretence and means to have made one.*

In the absence of the Earl of Leicester, who succeeded Strafford, as Lord Deputy, the powers of government were lodged with the Lords Justices, Parsons and Borlase ; the former, the projector, and president of the court of wards ; both already well known to the nation, by greedy rapacity, and unbounded malevolence to the Catholic interests.

These justices were devoted to the English parliament ; and the depression

* *Reliquiae Sac. Carolinae.* p. 273. *Curry*, p. 147.

of the royal authority, and neglect into which its commands had fallen, reduced the Irish Catholics to despair. It cut off their only channel of hope, and filled them with the most just and dismal apprehensions. That virulent and undisguised hatred of Popery, by which the leaders of the English House of Commons were distinguished, though we may hope for the sake of their fame that it was in some degree feigned, was in its effects perfectly real. Was it unnatural for the Irish Catholics to remember it with resentment? Was it an idle fear that the establishment of the parliamentary dominion in Ireland would be followed by fresh confiscations and with the utter extirpation of their religion? Are we not to look in some degree to the savage fanaticism of the Puritans in England and their abettors in Ireland, for the causes of this rebellion?

It was currently reported at this time,

that a letter from Scotland had been intercepted, containing an account that a covenanting army under General Leslie was there prepared for the service of Ireland, to extirpate the Catholics of Ulster, and leave the Scots sole possessors of that province. Parsons the deputy, and Loftus the vice-treasurer, had been heard to declare that Ireland could never do well without a rebellion, to the end that the remains of the natives might be destroyed : petitions to the English House of Commons were prepared by them, and signed by thousands containing matter destructive to the Catholics, their lives, and estates ; and wagers were laid at assizes and other public meetings, that within a year there should be no Catholic in Ireland.* Hume imputes to supineness the indifference displayed by the Irish government to the warnings giving them of an approaching insurrec-

* Remonstrance of Catholics.

tion. It is impossible not to suspect other motives.

For it is beyond all doubt, that when the rebellion had broken out in Ulster, both the Irish administration and their masters in the English Parliament, instead of hastening to extinguish, used all their endeavours to extend and continue it. Charles was deprived of that support, which, in the present contests he might expect to receive from the approved loyalty of the Irish, as long as their native country was wasted and torn in pieces by internal war. Hence the rejection of the King's repeated offers to go in person and quench these flames; hence the refusal of a similar request made by Ormond to the Lords Justices; and hence the affected delays of the Parliament in providing for that service, when the care of the war had been devolved by the King upon them.

This rebellion has been usually considered as a general, simultaneous, combined, long-premeditated effort of the Irish Catholics, originating exclusively in religious hatred. It seems to answer this description in no one respect; and that admirable historian Hume, is justly chargeable with having relied too blindly on a single and very doubtful authority;* and, by the height of his colouring, and deserved weight of his opinion, of having misdirected the indignation of his readers.

That it was not at first general is perfectly clear. It is true that the Lords Justices thought fit so to describe it; but it is no less true, that upon a representation of the Catholics of the pale, they published a second proclamation explaining, that by the words “Irish Papists” in the first, they only meant such of the old

* Sir John Temple. A communication was made to Hume upon this subject, and his answer may be seen in Curry.

mere Irish in the province of Ulster as had plotted, contrived, and been actors in that treason, and others that adhered to them; and *none of the old English of the pale or other parts of the kingdom.**

Neither were the risings simultaneous nor combined; that in Ulster taking place in October, 1641; those in Connaught, Munster, and Leinster, some weeks after, and not at the same time with each other. It is very doubtful by which party, the insurgents or the Scotch in Ulster, the first cruelties were committed: and whichever had the hateful priority, the enormous barbarities of the Protestants in the prosecution of the war, could not possibly be exceeded by those of the Catholics.† It is in vain to

* Curry, p. 155.

† Borlase gives a journal of the services of Sir William Cole and his regiment of 500 foot, and one troop of horse, from October, 1641, to some time in 1642, wherein it appears that Sir William had, during that time,

look in Christian Europe for any parallel to the scenes which were now transacted ; they strikingly resemble those recorded by Las Casas ; and even those, if the relation between the contending parties be considered, were not so iniquitous and inhuman.

Whatever might be the bigotry of the Catholic priesthood, this may truly be said for them, that it was defensive. The existence of their religion was in danger, and what hope was left for the preservation of it and their own lives, but in fomenting rebellion? Was it to be expected that they should remain unmoved amidst the dreadful denunciations which were perpetually thundered against them?

destroyed 2,417 swordsmen of the rebels ; *and starved and famished of the vulgar sort (whose goods were seized on by the regiment) 7,000.*—Borlase adds, “ after this rate the English in all parts fought.” Fol. 112. Curry, p. 182, in note.

They heard of the repeated executions of priests in England, which the Parliament, to gratify the brutal fanaticism of the people, allowed. And no sooner was the rebellion organized in Ireland, than the government ordered that no quarter should be shewn to them.

With respect to the Catholics in general, the rebellion was the effort of a nation, surcharged with misery and oppression, and which, by a long train of malicious cruelty and injustice, had been rendered desperate. The vices of the rulers, and not the excesses of the people, are what merit our execration.*

* As Dr. Curry's work is at present extremely scarce in this country, I have reprinted that Remonstrance of the Catholics referred to in this chapter; and the reader will find it in the Appendix No. I, of this book.

CHAP. IV.

Charles II. and James II.

THE Catholics having struggled through the dangers to which they had been exposed by the aversion or neglect, were now to encounter the still greater dangers arising from the partiality of the sovereign. During the civil wars, they had fought side by side with the cavaliers against the same enemies ; and, at the Restoration, these parties regarded each other with that good-will, which usually subsists between those who have been partners in the same misfortunes. From the very commencement of the disturbances, the Parliament had proscribed the whole body of these religionists, had violently cut off all hope of

union, and had, from the combined motives of hatred and policy, courted their enmity by every species of calumny and injustice. This conduct on the part of the Parliament, though it might somewhat detract from the merit of Catholic loyalty, ensured its continuance; and Charles II. could not but feel, that, as this valuable portion of his subjects had never been induced through fear, so they were not likely to be tempted by interest, to abandon the cause of the sovereign.

The fate of Charles in early life will account, in part, for the defects in his character and conduct, which became gradually manifest when he had ascended the throne of his ancestors. He was by nature indolent, profuse, and sensual; ambitious, in common with all monarchs, of power, beyond the reach of examination and controul. Not that his ambition was of the ordinary kind, active, turbulent, or inimical to the repose of

society ; nor was power otherwise desirable to him than as a means, by which, immersed in thoughtless ease and inactivity, he might give way to every personal indulgence. The violent death of his father, together with the exile and ruin of his family, had unfortunately thrown him for support, education, and advice too much under the care of his mother : a woman, however in all other respects worthy of the charge, yet objectionable, as the zealous adherent of a faith, regarded with antipathy by the people whom he would one day be called to govern. It cannot excite either indignation or surprise, that a prince so young, should survey with feelings of admiration, the splendid form in which despotism presented itself to him in the court of the French monarch. The Catholic religion was recommended by the influence of his mother, and the practice of a people, amongst whom he had lived, and whom he always most ad-

mired. On the other hand, Protestantism, under its different shapes, might be viewed by him as the cause of calamity and source of rebellion. The sanctified jargon, and endless prayers of the Puritans, had not concealed from a person of his penetration, their factious insolence and unbounded ambition. The treatment he had received from the Scotch ecclesiastics, was calculated to inspire him with incurable aversion to their doctrines and persons. He was easily able to discover while amongst them, that they approached their sovereign in the humblest postures, only to heighten his sense of the intolerable thralldom in which they detained him: their exhortations were but a thin disguise for their malice; their care of his eternal welfare only a pretence, under which they might launch out into bitter invectives, against, what they termed, the iniquities of his father's house, his mother's idolatry, and his own connex-

ion with malignants.* To the members of the church of England, indeed, the young monarch could not raise the same objections; neither could even a grateful mind (which his was not) acknowledge peculiar obligation. His father and that church, in pursuance of common objects, by injudicious support, had each contributed to the downfall of the other. Charles was not susceptible of religious impressions, nor capable of ambitious enterprises in a degree to have endangered the happiness of the nation, had he succeeded to a limited and tranquil government; but, from the violent return in the feelings of the whole people, he was borne to the head of the state upon a flood of loyalty, and there left without any provision being made to prevent the recurrence of former calamities.

* Laing's History of Scotland, vol. i. p. 414, &c.

In this reign those laws passed, against which principally the Catholics of the present day seek redress, and which have operated as a permanent exclusion from those rights and distinctions in the state, which, as subjects, they consider themselves entitled to enjoy.

Of these the first is the corporation act of 13 Car. II. st. 2. c. 1; the preamble of which recites, “that, notwithstanding all his majesty’s endeavours and unparalleled indulgence in pardoning all that was passed, nevertheless many evil spirits were still working.” To obviate, therefore, the danger to be apprehended from such persons, and to provide for the future, that the succession in such bodies should be continued in the hands of those well affected to the existing government, it provides, that all then bearing, or who should thereafter bear, any office or offices of magistracy, or places, or trusts, or other

employment relating to the government of corporations, should, in addition to the oaths of supremacy and allegiance, take an oath denying the lawfulness, upon any pretence whatever, of taking arms against the King, and declaring an abhorrence of that traitorous position of taking arms by his authority against his person. The candidate was also to subscribe a declaration, that the solemn league and covenant was an unlawful oath, and not obligatory.

These were doctrines, and this was a league which the Catholics had never sanctioned. They, however, in common with all Dissenters from the establishment, were incapacitated by the following clause:

“ Provided also, that no person shall be hereafter elected, that shall not have, within one year next before such election, taken the sacrament of the Lord’s

Supper, according to the rites of the church of England."

Upon this act it may be observed, that to remove from trust and magistracy in corporations, men placed there during the late confusions, was justifiable, from a fair presumption that they had been selected on account of principles hostile to the new government. Prospectively, to exclude for a reasonable time the sects to which they belonged, and which were notoriously infected with the same principles, was nothing more than a proper precaution. But why were Catholics, who were guiltless of their crime, to share their punishment? Had they, during the late King's reign, disturbed his government, or endangered the public tranquillity? Had they, under the new establishment, hitherto given any just offence, or alarmed, in any the least degree, the patrons of liberty? As the act passed not under

the convention parliament, but that which succeeded, in which the friends of monarchy and episcopacy prevailed, it was but a bad omen for the nation's happiness. When the legislature without cause impeached the civil principles of this portion of the people, it proceeded upon those fatal prejudices which ought to have been buried in oblivion.

It is the opinion of a very celebrated author,* that even James II. regarded the Catholics and their religion with partiality, chiefly because they might be employed as means in his pursuit of absolute power. Whatever may be considered the most probable solution of James's conduct, there can be no doubt that this was the case with Charles II. The triumph of the royalists, the odium which recent events had cast upon resistance to prerogative, the unguarded

* Mr. Fox.

and unsettled state of the constitution ; all these were the encouragements to an invasion of the liberties of the nation. The King's predilection for France, his indolent pursuit of pleasure, his aversion to account for the public money ; these were the motives that induced him to the attack, and made their liberties a prize of value.* The Catholics were a small but united body, whom the uncharitable and impolitic hatred of the people had thrown into his hands, and compelled to look up to him alone for security and relief. The church of England, by the assistance of Clarendon, its too zealous patron, had already celebrated its restoration by a measure of a very decided nature. By means of the act of

* The King said once, that he did not wish to be like a grand seignior, with some mutes about him, and bags of bow-strings, to strangle men as he had a mind to it ; but he did not think he was a king as long as a company of fellows were looking into all his actions, and examining his ministers as well as his accounts. Burnet.

uniformity,* about two thousand Presbyterian clergymen had been ejected from their benefices ; and the King took advantage of the distress occasioned by the act, to publish, in 1662, a declaration of indulgence, under pretence of mitigating its rigours. This instrument, though cautiously worded, carried in it a claim to the dispensing power, which the King said he conceived to be inherent in him. In his speech to the Parliament, which sat shortly after the declaration, he told them, “ I will not yield to any, no not to the bishops themselves, in my liking to the act of uniformity ; and yet, if the Dissenters will behave themselves peaceably, I could heartily wish I had such a power to use upon all occasions, as might not needlessly force them out of the kingdom, or, staying here, give them cause to conspire against the peace of it.”† The House of Commons very pa-

* 13 & 14 C. II. c. 4.

† Neale's Hist. Pur. Abr. vol. ii. p. 528.

triotically remonstrated against the declaration ; and refused to recognize any such power in the crown, from a wise distrust of the use which might be made of it. But, they neither expressed nor probably felt, that laws, when they so press upon the subject, that peaceable behaviour on his part does not meet with reward, nor even relieve him from intolerable vexation, are ripe, though not for the exercise of a dispensing power in the crown, yet for repeal by the combined exertions of the legislature. They uttered not one sentiment of approbation of the ends which the King professed to have in view ; on the contrary, they preferred another senseless address for putting the laws in execution against the Catholics ; and, in consequence, a proclamation was shortly after issued, though imperfectly executed, against Jesuits and Romish priests.

While thus the sound of the liberties of the nation was no more grateful to the Catholics than that of stripes and chains, and nothing was left to them but the hard choice of slavery under the crown or commons, it seems little wonderful, that they should prefer that bondage, in which their oppressors would be partners, and under which they might at least expect an exemption from personal insult, and the toleration of their religion. The usual consequences flowed from these unwise severities; and the royalists regarded the Catholics with greater favour. Instead of diminishing, this body increased in strength and numbers; and the Duke of York having openly declared himself a convert, Popery, which had so long been the stalking horse, behind which fanaticism shot its arrows, became a source of rational alarm. The King, in 1672, again published a declaration of indulgence, grounding it upon his supremacy, and

by it granted to Protestant Dissenters the public exercise of their religion, and to the Catholics the exercise of it in private houses.* The Commons, true to the principles they had acted upon ten years before, demanded a recal of the proclamation; and Charles was reduced to the humiliating extremity, before the two houses, of breaking the seals affixed to it with his own hands. Flushed with their victory, the Commons immediately passed the 25 C. II. c. 2. so celebrated under the name of the Test Act. It is entitled, An Act to prevent the dangers which may happen from Popish recusants, but its provisions are general. By it, every person admitted to any office, civil or military, or receiving any pay, salary, fee, or wages, by reason of any patent from the crown, or having any command or trust from the crown, shall take the

* Hume.

oaths of allegiance and supremacy in open court, receive the sacrament according to the usage of the church of England, and at the time of taking the oaths, deliver a certificate that he has so received the sacrament under the hands of the ministers and churchwardens, and shall then make proof of the truth thereof by two credible witnesses upon oath. To these requisites is super-added, that the party must make the following declaration: "I, A. B. do declare, that I do believe that there is not any Transubstantiation in the sacrament of the Lord's Supper, or in the elements of bread and wine, at or after the consecration thereof by any person whatever." The penalty of exercising office, without complying with these provisions, is a disability of suing in any court of law or equity, being guardian of any child, executor or administrator of any person, of taking any deed of gift, or of bearing any public office,

together with a fine of five hundred pounds.

That the Catholics were now just objects of jealousy, cannot be disputed. They were inseparably united to a court, which, in its foreign engagements, was at least acquiescing in an attempt to crush the religion of Protestants in general ; and at home, was prosecuting an insidious, but regular design against the public freedom. The savage hatred of their Protestant fellow-countrymen, had at all times, and at none more than the present, rendered to the Catholics, the enjoyment of their civil and religious liberties, wholly incompatible. That the duty of self-preservation might now require, that a broad line should be drawn, between subjects of the same state, it would be uncandid to deny ; but, in the spirit of the same candour we must admit, that Protestant more than Catholic bigotry, had created this fatal ne-

cessity. And if ever there was a law proceeding from the patrons of freedom, which required in its principle and frame the collateral aid of a crisis of circumstances to justify its origin, the Test Act is that measure. Withdraw those circumstances, and it is a monument of injustice and oppression.

For, we may observe, that in the Corporation Act, the legislature had selected a compact, partly religious, partly civil, and certain strictly civil tenets, which had recently prevailed. The obligation of the league and covenant, and the doctrine of taking arms by the King's authority, against his person; were very proper subjects of abjuration; because, from the prevalence of them, the government might at any time be endangered, as it had once been overthrown. To refuse the sacrament, only proves, that a candidate is not a member of the church of England; to re-

fuse the declaration, only establishes, that a man is a Catholic. It was perhaps allowable, when the Corporation Act passed, to measure the civil principles of a citizen by his antecedent religious habits, because the recent convulsions had shewn how intimately dependent they were upon each other; the political tenets of the Puritans especially, appearing obviously to spring from their religious doctrines. But, such a criterion is always fallacious, and can only be temporary. The legislature had formerly confined itself within the bounds of its province; and, when proceeding against the Catholics, selected those doctrines, which, however calumniously imputed to them as a body, were yet of so dangerous a nature, that any citizen might be called upon to disavow them. In the oath of allegiance, 3. Jac. i. the party was to declare, that he abhorred the damnable doctrine, that a Prince, excommunicated by the Pope, might

be murdered by his subjects; and, that the Pope had power to absolve any one from oaths taken to his sovereign. But, in the present instance, without reference to any civil doctrines, the legislature struck directly at the vitals of the Catholic faith, and created a perpetual exclusion, while the Catholics professed their ancient religion. When the crisis, in which the nation was placed, had passed away, what imaginable connexion could be found between the belief of Transubstantiation, and the civil tenets which render a citizen trust worthy? As a permanent provision, the Test Act was a violation of every principle of just government: it thrust all dissenters down from their natural level as subjects, and left them no possibility of regaining their station. As a temporary expedient, it might be endured upon the plea of necessity; that necessity was composed of all that combination of circumstances, in which the nation was then placed;

when it ceased, especially if created by the Protestants themselves in a great degree, what argument can be adduced to justify its continuance?

If we attend to the conduct of government in Scotland during this reign, we shall observe how persecution is uniformly the cause of disaffection, and how invariably its effects are the same where its degree is the same; whether it is exercised by Catholics against Protestants, by the latter against the former, or by one sect of Protestants against another.* Under the administration of Lauderdale, at heart a zealous Presbyterian,† and as zealous a friend to arbitrary power, when houses could not afford shelter to the conventiclers, they fled into the fields; when hunted from them, they retired into their wildernesses, and renounced allegiance, rather than they

* Laing Passim.

† Burnet's Hist. of his own Times, vol. i. p. 140.

would abandon the exercise of their religious duties; and, when goaded still farther, they sanctioned all those modes of private revenge, which, in similar afflictions, the Catholics alone, of all sects, are by some supposed to have espoused. Private assassination began to be considered as allowable.* The covenanters retaliated upon the military, some of whom they murdered in their quarters; and Sharp, the archbishop, though he escaped the aim of Mitchell, was reserved for the hands of assassins, whom his unrelenting cruelty had rendered desperate. His murder was specifically termed, by the wilder fanatics, "the execution of righteous judgments by private men." When the penalties of treason were denounced against those who frequented these meetings, Cargill and Cameron, two of their preachers, published a declaration, that the King, by his perjuries in the breach of his covenanted vows,

* Hume, vol. viii. p. 114.

and by his tyrannical government, had dissolved their allegiance, and forfeited his title to the crown.* When they took up arms, they declared that they fought against the King's supremacy, prelacy, and popery. As is usual on such occasions, the cruelties of the governors were said to be justified by the obstinacy of the governed; as if any interference with conscience was not infamous tyranny, and as if the miseries and crimes of those who resisted such interference did not lie on the heads of those who sanctioned it.

In England the grounds of distrust between the King and people continued to multiply. That hold which, by the scantiness of revenue, the Parliament endeavoured to keep on the King's measures, he determined to loosen by his secret and base negotiations with the court of France. The spectre of popery was too familiar, and had lost some

* Burnet's Hist. of his own Times, vol. ii. p. 157.

of its terrors, when the nation was suddenly alarmed by the cry of a plot—a cry fatal to the Catholics, who were the immediate victims, and nearly as fatal as it was disgraceful to those who supported it.

Ebullitions of popular rage, and instances of national frenzy, proceeding from religious causes, are not unknown in the history of many nations. But, in the prosecution of the popish plot, there is such a combination of fraud and cruelty, such a shameful perseverance in credulity in the House of Commons, such a continued perversion of law in the administration of justice, that, altogether, it forms the most disgraceful transaction in the British annals. During four parliaments did the representatives of the people lend the sanction of their authority to this monstrous delusion ; and, by rewards and favour, encourage the abominable perjuries of the most abandoned

miscreants. In the height of this national delirium, the legislature thought proper to introduce another Test, to guard against the dangers to be apprehended to the King's person and government; and, by 30 Car. II. stat. 2, c. 1, Catholics were excluded from both houses of Parliament. A declaration is by this act required from the members, that they do not believe in Transubstantiation, and that the sacrifice of the mass is idolatrous: an act, the origin of which is less creditable, cannot easily be imagined. By feigning a belief in the plot, and yielding to a torrent which he could not resist, the King eluded the dangers by which he was surrounded. At length, having ascertained the strength of his own party, and by giving free vent to the extravagance of the House of Commons, having rendered them obnoxious, he had with great dexterity prepared the means of their overthrow. By the sudden dissolution of the Oxford Parlia-

ment,* he in a moment rendered himself absolute master of the lives and liberties of the people. “No measure,” says Mr. Fox,† “was ever attended with more complete success. The most flattering addresses poured in from all parts of the kingdom; divine right and indiscriminate obedience were every where the favourite doctrines; and men seemed to vie with each other who should have the honour of the greatest share in the glorious work of slavery, by securing to the King, for the present, and after him to the Duke, absolute and uncontrollable power.” At this perilous season, those two noble twin-sister patrons of national liberty, the Universities of England, distinguished themselves in a manner never to be forgotten. The University of Cambridge presented an address, from which the following is an extract: “We still believe and main-

* 10th Jan. 1681.

† Introductory Chapter.

tain, that our kings derive not their power from the people, but from God; *that to him only they are accountable; that it belongs not to subjects to create or censure, but to honour and obey their sovereign, who comes to be so by a fundamental hereditary right of succession, which no religion, no law, no fault or forfeiture can alter or diminish; nor will we abate of our well-instructed zeal for the church of England, as by law established. Thus we have learned our own, and thus we teach others their duty to God and the King.*" Oxford passed her memorable decree, consisting of twenty-seven propositions, selected from the writings of those who maintained that there was an original contract, express or implied, between the King and people; and that all authority originally sprung from the people; and that when kings subvert the constitution, and become tyrants, they may be resisted. These, and other propositions

of a like nature, they declare to be *impious, seditious, scandalous, damnable, heretical, blasphemous, and infamous*, to the Christian religion. And yet the Catholic religion is to be considered dangerous, and the established church is favourable to civil freedom! Well might Charles, or any other sovereign, be pleased, and reply, that “No other church in the world taught and practised loyalty so conscientiously as they did.”

James II.

It is hardly possible for any lover of his country to contemplate, without dismay, even at this distance of time, the condition and prospects of the English nation, at the accession of James the Second. The victory gained by the late King and the royalists, in conjunction with the subsequent severities, had destroyed, silenced, or dispersed, the leaders of the Whig or country party. By

the surrender of the charters, and other arbitrary proceedings, should even a Parliament be assembled, it could be hardly expected to exert a spirit of independence. From the prostitution of the courts of law, in whatever cause the crown chose to contest with the subject, it was sure to prevail. Yet to a Prince, whose severity in government had already been experienced; whose bigoted attachment to a religion abhorred by the majority of the people, was undisguised; did the nation submit, not merely without reluctance, but with every token of joy and exultation. Mere intimidation will only imperfectly account for the eagerness which all men displayed in their professions of attachment, and tender of their liberties to James, on his coming to the throne.

The pernicious and detestable mode of opposing government, and of governing, by sham plots, was now felt in the

most dangerous consequences. The extreme agitation into which men's minds were by these means worked up, had either subsided in apathy, or had been directed against those, who first had recourse to such infamous stratagems. The conspiracy by the court, against the country party, known by the name of the Rye-house Plot, being the last in point of time, and better supported than Oates's, by proof against the subordinate agents, had cast a stigma upon the principles of liberty, and led many to look for safety in strengthening the powers of the crown. The doctrines of non-resistance, and passive obedience, had been for some time considered by the church of England, not simply as civil tenets, but as articles of religious faith, which they were peculiarly called upon, openly to avow, and actively to disseminate.* And, as from their con-

* Fox's History, p. 281. In this work, the expectations of the nation, because they were unreasonable,

ducting the education of youth, and from their possession of the pulpit, the influence of such a body must always be very powerful, the present disposition of the public mind, must be attributed in no slight degree to their exertions. Which ever way we turn our eyes, all seem rushing into servitude; and, with a Prince of the most ordinary discretion, the triumph over the liberties of the nation seems infallible.

are said to have been disappointed. I shall always think that Mr. Fox's ideas of the plan upon which history should be written, and of the style adapted to it, were full of genius. The book, imperfect as it confessedly is, breathes such a spirit of philanthropy, and is such a standard of political orthodoxy and wisdom, that it will easily recover from any little temporary depression. Had Mr. Fox but undertaken the task of the historian ten years sooner, and completed the reign of William, he would have left behind him, the most valuable monument that was ever erected by any statesman, for the benefit of posterity.

Nothing was heard but the voice of Toryism ; the adulation offered to the monarch was extreme. The University of Oxford again came forward with an address, stating, that the religion which they professed, bound them to unconditional obedience to their sovereign, without restrictions or limitations. The King, a few days after his accession, having palpably violated the law, by levying on his own authority the customs and excise, which had been settled by Parliament, on the late King, during his life, the society of the Middle Temple thought proper to congratulate him on this particular exercise of his vigour. They told him, that, with the deepest sense of gratitude, they acknowledged his Majesty's great goodness, in extending his royal *care of the government to the preservation of the customs*, which had been continually received by his royal predecessors for some hundreds of years, and never questioned by any

Parliament, unless in that, wherein were sown the seeds of rebellion against his royal father. They conclude with the following affecting prayer: " May there never want millions, as loyal as we are, to sacrifice their lives and fortunes, in defence of your sacred person and prerogative, in its full extent."* The Scotch

* Tindal's Introd. p. 48.—As the admiration of the King seemed to keep pace in this society with his invasions of the constitution, it is difficult to conceive where they would have found terms sufficiently warm, in which to express it, if he had introduced the inquisition, or abolished trial by jury. In the beginning of 1688, they again presented an address, in which they say, " As thanks ought to be paid your Majesty by all your subjects, so we especially, of the profession of the law, have most reason to be thankful for the honour you have done us, by asserting your own royal prerogatives, which is the very life of the law and our profession: which prerogatives, as they were given by God himself; so we declare, that no power upon earth can diminish them, but they must always remain entire and inseparable to your royal person: which prerogatives, as we have studied to know them, so we are resolved to defend them, by asserting with our lives that *divine maxim*, a Deo rex a Rege lex," &c. id. p. 54.

Parliament, in its answer to the King's letter, was determined not to be outstripped in this race of servility. Amongst many other professions in the same strain, they inform the sovereign, "We can assure your Majesty, that the subjects of this, your Majesty's antient kingdom, are so desirous to exceed all their predecessors in extraordinary marks of affection and obedience to your Majesty, that, (God be thanked) the only way to be popular with us, is to be eminently loyal."* Knowing the character of James, and the event which is to follow, we at first might be tempted to imagine, that all this was grave irony; and that all parties had combined to fortify his arbitrary notions, that he might be hurried into excesses, and thus authorize resistance. On the contrary, these high-sounding promises are just deductions from Tory prin-

* Fox, p. 135.

ciples ; and, there seems no real ground for imputing, to those who uttered them, hypocrisy, as well abject desertion of duty to themselves and their country.

From this calamitous and prostrate condition of the nation, Providence, in its signal mercy, had prepared an unlooked-for remedy in the character of the individual placed at the head of the state.

James had long enjoyed the advantage, had he been capable of profiting by it, of passing through the rank of a subject before he became a sovereign. While at the head of the government in Scotland, he might have observed the inefficacious cruelty of applying force where the conscience of a people is interested. In England, the general antipathy to his particular faith had been manifested in a way which ought not to

have been mistaken; and his adherence to it had already nearly cost him his crown. But experience was lost upon his contracted understanding. Arbitrary, cruel, unforgiving, bigoted, inflexible not only in his ends, but in his means—a quality compounded of pride and obstinacy, which with his flatterers passed for sincerity, seems to have made up his whole stock of virtue. Pursuing the same criminal designs with his brother, he was destitute of those graces of manner and conversation, which cajoled some, and perplexed all of Charles's opponents. He neglected his dying injunctions, to abstain from all attempts upon the religion and liberties of the people; he spurned those counsels of caution which the Pope himself recommended; he ostentatiously laid bare all the sinews and muscles of his tyranny; and, having touched to the quick every prejudice of every class of his degraded people, compelled them to rally, and was

easily pushed from a throne, which he was so unworthy to fill.

The extent of his views, with regard to the Catholics, is not perfectly ascertained. It probably changed with the changes of his own situation. No documents are more authentic, or throw more light upon this point, than the letters lately published of Barillon,* to his master, Lewis XIV. They are the secret and confidential representations, conveyed by a faithful agent from one bigot to another. As it is repeatedly expressed by the French King, that the principal motive for his interesting himself in the concerns of his English pensioner, was his anxiety for the extension of their common religion, it is not likely, that the latter would underrate his intentions and hopes upon this subject. As far as the correspondence is carried down (which is only during the

* In the Appendix to Mr. Fox's History.

first year of the reign), James does not appear to have proposed to himself any thing further, than the procuring for the Catholics, the free exercise of their religion. In a character like his, incompetent to balance his duties as a king and an individual, one is not sorry to find that gratitude to the French monarch for protection in his early years, had any share in the base attachment to French interests, which he manifested. In one letter,* we find that James assigned as a reason for his devotion to Lewis, “qu’ il avoit été élevé en France, et mangé le pain de votre majesté.” On the 26th February, 1685, Barrillon writes to his master, “Ce prince” (James) “m’expliqua à fonds son dessein à l’égard des Catholiques, *qui est de les établir dans une entiere liberté de conscience et d’exercise de la religion*; c’est ce qui ne se peut qu’avec du temps, et en conduisant peu-à-peu les affaires à

* Appendix to Mr. Fox, 16th July, 1685, p. 105.

ce but. Le plan de sa Majesté Britannique est d'y parvenir par le secours et l'assistance du parti épiscopal, qu'il regarde comme le parti royal, et je ne vois pas que son dessein puisse aller à favoriser les Nonconformistes et les Presbitériens, qu' il regarde comme de vrais républicains."*

Barillon adds, as his own observation, "Ce projet doit être accompagné de beaucoup de prudence, et recevra de grandes oppositions dans la suite." The project of establishing the Catholic religion, upon the ruins of the Protestant, Barillon treats as impossible in the execution ; and, that men of sense had no apprehensions that it would even be attempted.†

But, whatever might be James's designs in favour of the Catholics, it is

* Appendix to Mr. Fox, 16th July, 1685, p. 32.

† Appendix, Letter 5. March, p. 43.

clear, that, in the prosecution of them, he violated every law, and justly deserved the severity of his fate. The unsuccessful invasions of Argyle and Monmouth strengthened the hands of government. The latter of these ill-fated noblemen, having declared, at his execution, that he died a member of the church of England, was stopped by Ken, the Bishop of Bath and Wells, and told, that, to be a member of that church, he must believe in the doctrine of non-resistance. Only death itself relieved him from the bishop's zealous importunities. It must be observed, that Ken was one of the seven bishops, whose subsequent resistance to James was attended with such important consequences, and of whom five at the Revolution refused the oath of allegiance to William, and became the heads of the party called Non-jurors.*

* The five were Sancroft, Archbishop of Canterbury; Turner, Bishop of Ely; Lake, of Chichester; Ken,

These invasions furnished the King with a pretence for raising and maintaining a standing army, into which, in spite of the Test Act, he introduced a number of Popish officers. Not content with the exercise in these instances of the dispensing power, he stupidly proclaimed it to the parliament when it next assembled. The House of Commons moved and presented an address against it; but were so daunted by the King's reply, that they committed one of their members to the Tower, for merely expressing a sentiment of independence.* These submissive servants of the crown offered, not only to pass a bill indemnifying the Popish officers from the penalties they had incurred, but to capacitate such others as should be named by the

of Bath and Wells; and White, of Peterborough.—Lloyd, of St. Asaph, and Trelawney, of Bristol, conformed.

* “ I hope we are all Englishmen, and not to be

King.* An act laudable under other circumstances than their's, in them a proof only of servility. Some resistance, however, being made by the peers, and even by the bishops, James at first prorogued, and ultimately dissolved the parliament.

It is unnecessary to pursue, in detail, a series of measures more calculated to inspire pity than indignation. Having procured a solemn judgment in favour of his dispensing power, the King had proved to the people, that, no refuge from his tyranny could be expected from the administrators of the laws. Guided by those harbingers of ruin, his priests, he wantonly attacked not only the prejudices, but even the private properties of his subjects; an attempt, when

frightened with a few hard words." Speech of Coke, member for Derby.

* Tindal's Introduction.

large bodies of men are interested, dangerous to the most established and rooted despotism. His proceedings against Magdalen College can be ascribed only to infatuation altogether unprecedented.

To all but the most bigoted and ignorant Catholics, it must soon have appeared how incompetent James was to carry into effect the schemes in their favour which he had undertaken. Their adherence to him was natural, and if not praise-worthy, still less exposes them to just reproach. By those indeed who deceive themselves, or wish to deceive others, it may be represented, that, as Popery and tyranny were simultaneously the darling objects of the King's measures, so the Catholics who necessarily befriended his exertions in the favour of the one, were voluntary abettors also of the other. If they were, they shared in the guilt of the whole nation. But no man or body of men can be deemed

friends to slavery who have not the choice of freedom. That this was the situation of the Catholics, I have before endeavoured to prove. A consideration of the present events suggests more forcibly a general observation:—that no constitution can, without the greatest danger, detain a powerful body united together by so strong a tie as religion, in a state of permanent inferiority and disfranchisement. For such a body will catch at the prospect of redress from any quarter; and having at all times in their apprehension a justifiable inducement, will lie in wait for the first opportunity to rise in rebellion against all orders of the state, or league with one to the overthrow of another. To the Protestant Dissenters, the promises of indulgence were but a snare to inveigle them, that they might remain quiet spectators in the ruin of civil freedom: yet so sweet was liberty of conscience, so irresistible the prospect of exemption

from penal laws, that the stratagem for a time succeeded: they exalted the prerogative to as great a height as the Catholics or Tories had done, and forwarded designs which would have proved fatal to their interests, civil and religious. But the views of the Catholics were not equally absurd; the free uncontrouled enjoyment of their religion would at least be secured to them if James succeeded in his plans; and as for the destruction of the constitution, what was it to them who had never enjoyed a moment's peace or liberty under it?

Before we conclude the review of the transactions of this reign, it is impossible not to observe shortly upon the baneful effects of Tory principles of government.

Whatever sycophants may choose to assert, under every monarchy the people are more patient of tyranny, than the

sovereign of restrictions on his power. Of the tendencies, of the monarch on the one hand towards despotism, and of the people on the other towards resistance, the former is perpetual, the latter occasional. To represent monarchy then as of divine origin, to hail a human being as the "breath of our nostrils," the "anointed of the Lord;" to maintain that under the most cruel oppression, no resource is left for the subject but prayers and tears; what is it but to inflame that contempt for the rights of others, and that desire for uncontrouled power which rulers so naturally entertain? These principles, not having their foundation in our nature, are abandoned in emergency. The miserable James had no warning given him by others that he might expect resistance, and was deluded to his ruin by false professions which he had not himself the sagacity to distrust. How much more noble, how much more conducive to the mutual interests and

tranquillity of subject and sovereign, are the opposite doctrines of the Whigs! That resistance to arbitrary power is a natural right which cannot be abandoned, is a principle so interwoven in our very frame, that it will be acted upon, independently of all reasoning, whether it be professed or not; but if professed, and held up before the eyes of rulers, while it has little effect in making resistance more frequent, it has a most beneficial influence in applying that timely corrective to ambition, which may render resistance unnecessary. Whiggism, rightly understood, and sincerely practised, raises loyalty from a passion to a principle, and if it moderates the power of the ruler, ensures its continuance.

CHAP. V.

William III.

THE Revolution of 1688, in whatever light it may be considered, is the most memorable and important event that occurs in the annals of this empire. But, in all cases, reverence and gratitude, unless informed and discriminate, are of little value; and the nature of this Revolution, with the extent of the good derived from it, must be understood before it can be properly admired. Are we called upon to contemplate in silence a stupendous edifice of liberty finished to our hands, where every thing that could contribute to present or future use or ornament was arranged; or are we about to examine only the foundations of civil and religious freedom deeply

laid, which to preserve, perhaps extend, and upon which to raise this superstructure, has been, and is to be, the earnest labour of succeeding ages? The wisdom of our ancestors is now frequently dishonoured by being employed merely as a shield to protect the folly of their posterity. When any one is too ignorant to feel his way firmly, and too indolent to solicit information from the most familiar sources, he is sure to cry out on the "wisdom of our ancestors," "*Quieta non movere*," or, "*Nolumus leges Angliæ mutari*." Had the wisdom of our ancestors been of this stamp, where would have been the Revolution?

Before this great event, the subject was possessed of many valuable and noble privileges; and, the Revolution was rather an assertion of old, than the creation of new rights. The substantial benefit resulting from it, consisted in removing for ever the veil, by which

not only the powers, but the nature of the kingly office, had been kept concealed from the people. Allegiance, the tie that connects the subject and sovereign, had been hitherto grounded upon affection or religion. How unsteady and pernicious such supports were, recent experience had sufficiently shewn. The Revolution, took away all importance from the controversy, concerning the origin of government, by establishing practically, that, in these kingdoms, at least, it was in future to be conducted upon the principles of a civil contract; the parties, to which were the governors and the governed, and the conditions of which, were in some instances expressed, and in all respects, reciprocal. It violated hereditary succession, and raised to the head of the state, a prince, the creation of his subjects, and whose title was literally the breath of their nostrils. An event this, of incalculable consequence, and

of equal and inestimable benefit to the King and the nation.

The Bill of Rights* contains, merely for the sake of instance, a selection of those rights of the subject, which having been grossly violated of late, it was necessary to avow. The privileges asserted, and upon the recognition of which the crown was tendered to, and accepted by William, were highly important. To declare on the one side, and acknowledge on the other, that, the power of suspending laws, or of dispensing with them, as it had been of late assumed; that any commissions and courts of a like nature with the late court of high commission; that the levying money by pretence of prerogative, without grant of Parliament; that the raising or maintaining a standing army, in the time of peace; that the imposing excessive bail or fines, were illegal acts in the

* 1 W. and M. c. 2. sess-sec.

crown: the assertion of the rights of petitioning, of the freedom of speech, and of election of members of Parliament; the requiring and receiving a promise that Parliaments should be held frequently—all these provisions, though somewhat general, were so many triumphs to the cause of civil freedom and happiness.

The instinctive principle of self-preservation overwhelmed all other inferior ones for a time, and procured that concurrence of parties, to which we owe the Revolution itself, and the bloodless character of it. This cause of union being soon removed, the causes of difference immediately displayed themselves; and the old parties in the state receded from each other with a recoil proportioned to the force which had been employed to unite them in one course of action. To contend, that the Revolution was not only a developement of general prin-

ciples of freedom, but that these principles were pushed to their utmost limits, and applied to the different parts of government, each of which underwent calm revision, is to belie all the evidence of history. The pusillanimity of James, in retiring out of the kingdom, was the accidental circumstance which dissolved the government, and threw all the powers of the state into the hands of the people. To conceive, that the exertions of the great men who lived at that time, have rendered all efforts on our part, unnecessary, and unwarrantable, is to attribute too much to human wisdom, when acting with deliberation and uncontrouled, much more when called forth upon a sudden emergency, like the present. The consequences of such a notion are, from an adherence to forms to abandon the spirit of the Revolution, and to make its benefits partial and temporary, which were intended to be universal and perpetual.

One of the wisest of men* justly remarks, that, many things were done at the Revolution, in direct opposition to the principles of it. This observation, correct in general, is peculiarly so, when applied to the interests of religion. The Tories had in conjunction with the Catholics, without the motives which the latter felt, of necessity and gratitude, abetted the designs of James, against the public liberties. When the integrity of the Protestant establishments was so wantonly attacked, the Tories made their peace with the Whigs; and, the Catholics, though their recent conduct was infinitely more excuseable than that of the Tories, were, as usual, made the victims. Here again, as on numberless other occasions, the treatment they received could only be justified on the score of instant necessity. The security of the govern-

* Mr. Burke's letter to Sir H. Langrishe. Vol. 6, p. 333, ed. 1803.

ed is so imperative a plea, that dangers to the common interest must be redressed from whatever source they spring. The real cause of the adherence to James, on the part of the Catholics, which is now the only, was then a subordinate consideration. Without carrying our views abroad, to the character or power of Lewis XIV. or his obvious designs; but confining ourselves to England, it may be admitted, that any body of men, united by whatever motives, to such an individual as James, were hostile to the best interests of the nation; and though their adherence might be morally honourable, it was politically a just cause of exclusion and depression.

We learn from the letter* of Fagel, the pensionary, what were the opinions of William upon the subject of toleration.

* Somer's Tracts, vol. 2, p. 540.

He was content, it seems, that the Catholics here should enjoy the same liberty which they enjoyed in Holland; and with respect to the Protestant Dissenters, he not only consented, but heartily approved of their having an entire liberty for the full exercise of their religion, without any trouble or hindrance. He was, therefore, willing, that the laws, called by Fagel penal laws, should be abolished; but, was of opinion, that the test acts, considered by Fagel not penal, ought to be retained. When pressed by the example of his own country, Fagel is obliged to admit, that in Holland, Catholics were allowed to fill military offices; and he justifies this upon the ground, that their numbers were not great, and upon the eminent services they had formerly done in their wars. The pensionary seems to have thought that the possession of military offices was not so likely to endanger the state, as admission to civil distinctions. We

shall not stop to express an opinion on this subject, though we entertain a very different one; nor consider, in what way William could extend to the British the same liberty enjoyed by the Dutch Catholics, when by the test acts they were equally excluded from civil and military posts.

Upon this letter of Fagel, we must observe, that it was written in answer to an insidious application by which James intended to reduce William to a dilemma. William was extremely unwilling to engage in any correspondence upon the subject of the penal laws; he saw clearly, that by avowing his sentiments, he ran the risk either of discouraging the Protestants in their opposition to James, if he declared for the abolition of tests; or if he opposed it, of forfeiting his character as the great champion of toleration. It was the obvious policy of William to take no part, not to appear in

the slightest degree to sanction the measures of James, which were now hurrying him headlong to his ruin. It was not the so much expressed, but the too-justly suspected ends which James had in view by which the liberties of the nation were endangered. It was not an indulgence to tender consciences to which the great Whigs of the nation were averse, but the dispensing with the penal laws by the King's declaration, without the concurrence of Parliament. Some of the sentiments in the very declaration by James for liberty of conscience,* if placed in the preamble of an act of parliament, would appear as just and generous, and enlightened, as could be uttered by any legislature. "There is nothing we so earnestly desire, as to establish our government on such a foundation as may make our subjects happy, and unite them to us by inclination as well as duty; which we think

* State Trials, vol. iv. p. 317.

can be done by no means so effectually as by granting to them the free exercise of their religion for the time to come, and add that to the perfect enjoyment of their property; which, being the two things men value most, shall ever be preserved in these kingdoms, as the truest methods of their peace and our glory. We humbly thank Almighty God, it is, and hath long time been our constant sense and opinion, that conscience ought not to be constrained, nor people forced in matters of mere religion. It has ever been directly contrary to our inclination, as we think it is to the interest of government, which it destroys by spoiling trade, depopulating countries, and discouraging strangers; and, finally, that it never obtained the end for which it was employed. And in this we are the more confirmed, by the reflections we have made on the conduct of the four last reigns. For after all the frequent and pressing endeavours

that were used in each of them, to reduce these kingdoms to an exact conformity in religion, it is visible the success has not answered the design; and that the difficulty is invincible."

Whatever conclusions may be drawn from Fagel's letter, we have another exposition of William's views of policy, by which the Catholics were to be governed. It is contained in a document* equally authentic with the letter, and every way worthy of the great mind, and just understanding, of the assertor of the liberties, civil and religious, of all Europe. The document was drawn up, not in 1687, but in 1696; not when William was balancing and securing parties, but when he was firmly seated on the throne; and it is no objection to me, that the King, instead of Fagel, had the illustrious Somers by his side. In a memorial intended to have been given in during the

* Lord Somers's Tracts, vol. i. p. 401, &c.

treaty of Ryswick, and which was drawn up by William's direction, he explaining himself upon every particular, and examining the draught, the King thus expressed himself with respect to the Catholics: " When his opinion was asked concerning the repealing the laws that related to the Roman Catholics, he declared his thoughts very freely of those penal laws under which they lay by reason of their religion: he liked the motion of repealing them, which might have satisfied all those of that communion, as it did the most moderate of them. He did not, indeed, think it adviseable to repeal those other laws which excluded them from sitting in parliament, and from offices of trust. This proposition, if closed with, would have made the Roman Catholics safe and easy; *and if they had behaved themselves so well upon such a favour as to put an end to the jealousies of the nation, they might have pretended to farther degrees of con-*

fidence with a better grace." Can they ever put an end to the jealousies of the nation, if they have not done it in this year 1815?

That no one of the penal laws already passed against the Catholics, was ever abolished by William, is notorious; that many new ones, of great severity, were enacted by him against this body, is equally so. We will now see how far short of his own notions and wishes he was able to proceed with respect to the Dissenters; and having assigned the causes of his failure, be able to appreciate justly the nature and extent of the benefits derived from the Revolution.

Whatever might be the case with the Catholics, the Protestant Dissenters had every claim to the protection and favour of the legislature. In the reign of Charles II. they had supported the Test Act, and

declared that at a less perilous season they would endeavour to deserve the indulgence of parliament. If they had for a time seconded the views of James, they had atoned for their error by a zealous concurrence in bringing about the Revolution. Three different plans* suggested themselves to William, by which their condition might be ameliorated. 1. By removing the obstacles arising from non-conformity, to admit indifferently all his Protestant subjects into civil employments. 2. By a comprehension to unite the moderate Presbyterians to the church. 3. To procure ease for scrupulous consciences, and grant a toleration to different forms of worship.

In pursuance of the first of these plans, while the bill for settling the new oaths was before the House of Lords, William took an opportunity, without direct reference to the pending bill, of

* Tindal, vol. xiii. p. 120, 8vo. ed.

recommending the subject to their attention. Two clauses were accordingly drawn up; the first general, “ to take away the necessity of receiving the sacrament, to make a man capable of enjoying any office, employment, or place of trust.” It was rejected by a large majority. The second clause proposed to be added, was “ to prevent the receiving the sacrament of the Lord’s supper upon any other account than in obedience to the holy institution thereof; and to provide, that any man should be qualified for any office, employment, or place of trust, who, within a year after his admission or entrance thereinto, did receive the sacrament of the Lord’s supper, either according to the usage of the church of England, or in any other Protestant congregation, and could produce a certificate under the hands of the minister, and two other credible witnesses.” This was likewise rejected, six lords protesting. It will become us to

consider, whether the reasoning of their protest, though then properly confined to the case before them of Dissenters, does or does not, at the present day, embrace the whole political community. After some grounds referring to the dangers then apprehended from popery, they protest. 5. Because mysteries of religion, and divine worship, are of divine original, and of a nature so wholly distinct from the secular affairs of politic society, that they cannot be applied to those ends ; and, therefore, the church, by the law of the gospel, ought to take care, neither to offend tender consciences within itself, nor give offence to those without, by mixing their sacred mysteries with secular interests. 6. Because we cannot see how it can consist, with the law of God, common equity, or the right of any free-born subject, that any one be punished without crime. If it be a crime, not to take the sacrament according to the usage of the church of

England, every one ought to be punished for it, which nobody affirms. If it be no crime, those, who are capable and judged fit for employments by the King, ought not to be punished by a law of exclusion, for not doing that which it is no crime to forbear.

This scheme being thus defeated, the King was still anxious to effectuate a comprehension according to the second of the above plans; and, for this purpose, a convocation was called. Before the Revolution, the members of the church had been lavish in their promises to the Dissenters, every one of which they now unhappily forgot.* This scheme, though favoured by the upper house, in which were seated some of the ablest divines whom the church of England,

* Be not used as tools to take the laws away, because they have been grievous to you. They never can be so again. For can they who now court you have the face to turn them again upon you, after they have

fertile in able divines, has produced, was rendered abortive by the violence and prejudices of the body of inferior clergy. In conclusion, the only act passed in favour of Dissenters was the Toleration Act,* which, as to civil privileges, left them where they were, and was at best an inadequate reward of important services on the one hand, and an imperfect discharge of hopes formerly held out by the other.

These liberal views of William, instead of endearing him to a very numerous

made all this noise for liberty? And the church of England you may be assured will not any more trouble you; but when a Protestant prince shall come, will join in the healing of all our breaches; by removing all things out of the way which have long hindered that blessed work, &c. A plain account of the persecution now laid to the charge of the church of England, Somer's Tracts, vol. ii. p. 525.

* 1 W. and M. c. 18. sess. pri.

class of his subjects, were one principal cause of those factions against his administration, by which it was thwarted to that degree, that he was twice on the point of abandoning the government, and withdrawing to Holland. The body of the Tories were stunned by the events attending the first success of William, and for a time incapable of retarding the progress of the Revolution. When they recovered their senses, what they could not prevent, they determined to embarrass; and it is a perplexing truth for those who maintain, that there exists a fundamental connexion between our religious establishment and our free civil constitution, that the chief resistance which the latter met with proceeded from the church, and was grounded upon her doctrines.

For the security of the new settlement, the bill for abrogating the oaths of allegiance and supremacy, and substituting

others in their room, was passed.* By it the old oath of allegiance was simplified; the words, "lawful and rightful King," being omitted, that no just ground of exception might remain; and the declaration of not taking arms upon any pretence against the King, was no longer required,—the late events affording, we may presume, too palpable a refutation of the principles which were formerly required to be abjured.

The new oaths could not be taken by the Catholics, the denial of the Pope's supremacy in spirituals being still retained. But, to all Protestants, an obligation less rigorous, more strictly civil, less interfering with any doctrinal point of their religion, could not be framed. So thoroughly, however, were the doctrines of passive obedience and divine commission ingrafted into the principles of the national church, that the oaths

* 1 W. & M. c. 8, sess. pri.

were rejected by eight* spiritual peers, five of whom were in the number of those whom James had committed to the Tower. I beg leave no longer to use my own words, but those of Tindal, from whom the above account is taken.—“From this time may be dated the rise of the Non-jurors, who, rejecting the notion of a king *de jure*, and a king *de facto*, as well as all other restrictions and limitations, strictly adhered to the divine right of kings, and were the authors of all the plots and conspiracies against the new settlement, which they refused to acknowledge.”

Nay, we learn from the same authority, that by many of the clergy the oaths were indeed taken, but with such mental

* The eight were, Sancroft, Archbishop of Canterbury; Turner, Bishop of Ely; Lake, of Chichester; Ken, of Bath and Wells; White, of Peterborough, (these were the five sent to the Tower); Lloyd, of Norwich; Thomas, of Worcester; and Frampton, of Gloucester. Eight likewise took the oaths.

reservations and distinctions* as rendered them of no avail; and only afforded them greater opportunities of overthrowing those liberties which they had sworn to support. William seems to have had but too much reason for lamenting the factions and heats within the nation, and that the clergy, instead of allaying, did rather foment and inflame them.† The Revolution may more justly be said to have been imposed upon the church of England, than seconded by it. With the exception of Charnock, the principal conspirators who suffered in the reign for plots against the state (of some of which the assassination of William made the basis) were members of the church of England, and founded their treasons upon her supposed doctrines. What these were, may be judged from the dying declaration of Ashton:‡ “As to my

* 13 Tindal, 275.

† Burnet.

‡ State Trial, vol. iv. p. 487. Harg. Ed.

religion, I profess, by God's grace, to die in the faith in which I was baptized, that of the church of England; in whose communion (nothing doubting of my salvation through the merits of my Saviour) I have always thought myself safe and happy. According to her principles, and late much-esteemed doctrine (though now unhappily exploded), I have regulated my life; believing myself obliged by my religion to look upon my lawful, rightful prince (whatever his principles were, or practice might be) as God's vicegerent, and accountable (if guilty of mal-administration) to God only, from whom he received his power, always believing it to be *contrary to the laws of God, the church, and the realm*, upon any pretence whatever, to take up arms against him." In 1695, when the Jacobites had determined to commence an insurrection by the murder of the King, Sir John Freind and Sir William Parkyns were convicted of the full offence; and at their

execution justified the attempt; notwithstanding which, three Non-juring clergymen had the impudence, publicly upon the scaffold, to give them formal absolution by the imposition of hands.*

To recriminate is neither an agreeable task, nor effectual in vindicating the principles or conduct of the Catholics. But, by the perpetual recurrence of many churchmen of the present day to what passed at the Revolution, it is insinuated, that we owe that signal blessing to their exertions, and that, in gratitude, the church of England is alone entitled to our care. To shew how unfounded such pretensions are, is necessary, in order that we may be induced to reflect how

* 14. Tindal. 310—4 State Trials, 599, &c.—The Jacobite clergy could not refrain from the application of scriptural texts to their own views of political events, for which the Puritans had been so remarkable. On the death of Queen Mary, one of them preached from the following: “Go now, see this cursed woman, and bury her, for she is a king’s daughter.”

equally, when faction combined with religion, the principles of all sects have been perverted ; how little the conduct resulting from such perversion can be defended ; how unfair and uncharitable is the triumph of one sect of religionists over another. I defy any anti-catholic to produce an instance from our history where the resistance to the civil government was so unprovoked, or carried to more dangerous lengths, than this of the Non-jurors. What ! when stale accusations from the remotest periods are heaped up to impeach the Catholic principles, is the reputation of the whole body to suffer for the conduct of a small part of it ? or are we to forget that the knife was perpetually at their throats, and that they were a race hunted out by proscriptions, and tortured by every species of vexation that malignity could devise ? At the period of history we are now considering, a new government had been established, though not with unanimity,

yet, as every thing had proved, in compliance with the wishes of a great majority of the people. To what rigours had the church of England been exposed under it? An attempt had indeed been made to admit their Protestant fellow countrymen to a participation in the benefits of the new constitution. This had failed. Yet a portion, and a large one too, of members of the established religion could be found, after the experience which the nation had suffered of James's character, so enamoured of slavery, that they were content to seek the restoration of it by the murder of the new monarch, and at the imminent hazard of their religion. Are we still to be told, that the church of England has always been more favourable to freedom, than that of the Catholics? I am very happy and willing to believe, that by the extinction of the house of Stuart, and other causes, the loyalty of the church of England at the présent day is better

informed than that of their ancestors: all that I ask, and which (unless subsequent events repel the proof) common justice must grant, is, that the Catholics may be allowed to shew, that as once they shared in the political errors of that church, they have partaken of its repentance.

For their resistance to the progress of the Revolution, the Irish Catholics could shew all those causes, which to a dispassionate mind, render the conduct of their English brethren, natural and excusable; and could further plead grounds of justification, peculiar to themselves. They might be enemies to William, but could not be rebels. When James, by his abdication, dissolved the government, were not the Irish free to choose between him and William? Could the vote of an English convention, transfer their allegiance from one to the other?

By their submission to James in person, he became not only de facto, but de jure, their king; and when, after a resistance of more than two years with various success, they concluded the articles of Limerick, with De Ginckle; these articles were the original and irreversible compact between them and the new government, to which they submitted. This treaty had all the validity which divine and human sanction can give to transactions of this nature. But it was perfidiously violated. Returning under the galling dominion of the Protestants, instead of protection and adherence to stipulations, they had to experience nothing but that cruelty and injustice, which, when a nation is so unfortunately circumstanced, as that all powers of government are lodged in a small part of its population, to the exclusion of the remainder, fear, hatred, and insolence, usually dictate. In a letter

written by Burnet,* during the winter of 1690, we find the maxim avowed, by which that ill-fated country was during so many years uniformly governed. "All the accounts we have from Ireland, seem to assure us, that the rebels will be forced to submit, before the winter is done, or perish for want of all things. There begins to be already, both a face of trade and justice there; and *Ireland, by the total depression of the Irish, will be within four or five years, in a better condition than ever.*" I can only say, God defend all countries from such a face of justice as this. Resulting from such maxims as this of the bishop, the barbarity sometimes sportive, always unrelenting, with which the governments of both countries, treated the Catholics of Ireland in this, and the subsequent reign, it is unnecessary for me to enlarge upon. It has been al-

* Tindal, 13 vol. p. 421.

ready done in a manner, to which for accuracy and ability, I can pretend to add nothing.*

* By Sir Henry Parnell, in his History of the Penal Laws, against the Irish Catholics, 1808.

PART II.

FROM the Reformation to the Revolution, the English government was in a state of perpetual agitation; and, this period of little more than a century and a half,* is the most eventful and instructive in its whole history. It includes the depression of an old, and the establishment of a new religion; the overthrow of the ancient foundations of monarchy, and the rebuilding of it upon new principles. We observe a political body, whose original stamina were vigorous, struggling for health, and at length casting off those impurities, by which its growth was stunted, and strength impaired. We contemplate the human mind, long degraded by superstition, and lulled in the deceitful calm of ignorance;

* 1534—1688.

then kindled by knowledge, and abusing the liberty which it had acquired. We behold, also, the resistance made on the part of the governors to the progress of knowledge, the necessary failure of such resistance, and the mutual benefit to rulers and the ruled, from its ultimate triumph.

The slow progress of legislation, as a science, deserves to be particularly remarked. Nothing but experience has been able, effectually to convince statesmen, that, legislative power, like every other entrusted to man, has its limits, beyond which it is exerted without any effect, or with one that is pernicious. The error of our ancestors consisted in forcing it into every subject; and, since the Revolution, the most decisive, though not the most glaring proof of proficiency in political wisdom, has been displayed in the comparative moderation with which it has been employed. Within

the last century, not many instances can be produced of new laws made, by which the happiness of society has been materially promoted, but many most salutary consequences have flowed from the judgment with which old laws have been abrogated, which had been found to impede the progress of civilization.

As the errors of legislators, in the treatment of religion, have been greater than upon any other subject, the effects have been proportionably more important and lasting. Ignorant prejudices have given that degree of animosity to the struggles of different sects of Christians, by which they have been so eminently distinguished. The executive and legislative powers, exercised by virtue of the acts of supremacy, led to a fatal misconception of that degree of connexion, which ought to subsist between religion and government. It seems at first to have been thought, that uniformity was

indispensable to national tranquillity. As each sect firmly believed, that only its own members could be good Christians, so government was conducted upon the persuasion, that only the adherents of one communion could be good subjects. When persecution was at work on one side, faction was soon enlisted on the other; and thus, this period of history is a melancholy recital of instances, where religion has been bandied about as a pretence, and dishonoured by being employed as an engine to forward temporal views.

The dangerous principles imputed to the Catholics, displayed themselves, either at the period of the original separation of the church of England from that of Rome, when all the angry passions were excited by the spoliation committed on ecclesiastical property; or when they were debarred from those common rights of justice and protection—an exclusion

from which men of all sects and parties have equally resented. Religious causes do but imperfectly account even in the earlier, and not at all in the later stages of this period, for the policy observed by the state towards the Catholics, or for the conduct of the Catholics to the government. The ambition of the House of Guise led it to ground upon religion, a claim in Mary to the crown of England; Elizabeth encountered her by commencing a persecution of the Catholics in the enactment of the penal laws; political motives induced the Stuarts to desire a relaxation of them; political motives principally impelled the patriots to load the Catholics with calumnies, and proscribe their religion. On the other hand, it seems unfair and unwise to attribute the resistance and disaffection manifested by these religionists to any principles of submission to the Pope in temporals, or to the doctrine that faith is not to be kept with heretics: for, if we

adopt such limited causes to account for these effects, as disaffection was not confined to the Catholics, we shall be left without any solution for the conduct of other sects. There must, therefore, be general causes to be searched for in our common nature which embrace all. These seem to be found in a vicious system of cruelty and oppression to which they were exposed; and, when ill treated, they rebelled not because they were Catholics, but because they were men, as the Puritans rebelled under Charles I. or the conventiclers under Charles II.

Since the Revolution, it is obvious, that religion, even as an engine of policy, has been pretty much laid aside in the administration of government. Conversion is no longer thought a duty in the magistrate; diversity of religious opinion has been found no obstacle to unanimity in support of civil institutions. Before

this period, the policy towards the Catholics fluctuated; there were seasons of alternate rigour and relaxation. Their conduct was variable also: from the accession of the House of Hanover, the policy has been constant; that of a lenient execution of the penal laws, and latterly the abolition of some of the laws themselves. The sentiments of the Catholics have been affected by this change of treatment, in a manner, which, whether they were Catholics or Pagans, might have been expected; and they have gone on from submission to acquiescence, from acquiescence to esteem, and from esteem to earnest co-operation with the government in all its objects and measures. Upon the whole, no rational being, judging from experience, wishes one step retraced in this path of benevolence and conciliation.

It having already been admitted, and acted upon as a principle, that all men,

when their interest is concerned, can keep their civil and religious obligations mutually independent, it seems difficult to understand why part of a system of legislation, proceeding on an opposite supposition, is to be retained, while the greater part has been, so much to the common benefit, abandoned. The enactments, from which principally the Catholics seek relief, are those passed in the reign of Charles II. and which were framed in the first moments of the Restoration, or in the height of a national frenzy, of which the Catholics were the the innocent victims.

The importance of the subject cannot be over-rated. A mass of our fellow-subjects, amounting to at least four millions, or to a fourth of the population of the empire, is placed in a state of inferiority, and excluded from the full enjoyment of the privileges of the constitution. I mention numbers, not with a

view to intimidate, but to interest humanity, to dispel apathy, and to encourage a wish to relieve, which so many other motives concur to call forth. As the religion of Catholics is not a temporary objection, but in all probability as permanent as the constitution to which they seek admittance, their situation is hopeless, if it is at all a sufficient ground of exclusion. Degradation below our level in society is, in all cases, a punishment, and even when deserved, is not submitted to without pain. Is the irritation less when both they who suffer, and they who impose it, feel that it results from a cause which the former cannot prevent, and of which they naturally and truly think they need not be ashamed? *

* "I have no reason," said the virtuous Lord Stafford upon the scaffold, "to be ashamed of my religion; for it teacheth nothing but the right worship of God, obedience to the King, and due subordination to the temporal laws of the kingdom."

To all who will admit, that individual distinction has charms, the absence of which, hereditary wealth or rank cannot supply, I appeal, and desire them to reflect upon the condition of one of the higher class of English or Irish Catholics :—of a gentleman who can look back two, three, or four hundred years, and trace his ancestors aiding their country in the cabinet or the field ; who retains perhaps their property, inherits their spirit and talents, but cannot reach their eminence. With the few of these, whom chance has thrown in my way, I feel cut off from the most interesting topics of conversation, and debarred any freedom of intercourse, because I am unwilling to start subjects inflictive of mental pain, and which rouse a sense of unmerited persecution.

Nor is the pain to individuals greater than the loss to the community, arising from the continuance of this system.

With respect to all professions, eligibility to high station is the circumstance which confers dignity on the meanest individual embarked in them. What Adam Smith remarks of one, is true of all; and where the prizes are but few, nothing but the fascinations of hope can offer allurements, to detain the multitudes engaged in them. To put a bar across the course which any one has to run, which others may, but he may not pass, is to lessen the value of the exertions of that person in the eyes of his fellow-creatures, and consequently in his own. Hence it must often happen, that a great portion of finer talent, which in so large a body as the Catholics must necessarily be found, is not only lost to the country, but is a torment to the possessors. And as the hope of advancement is the great stimulus to excellence in the more active professions, so even if a man should have spirit to engage and persevere in them, to take from him, perhaps, at an early

period of life, the hope of rising to the highest honours which his avocation can attain, is not an improbable way to render him unfit for that station which he is permitted to hold.

It is not possible that the present situation of the Catholics should not be felt and resented by even the lowest and most ignorant of that body. Though the effects of the disabling statutes do not now, in many instances, immediately reach them, yet the general indignity does. If the substantial injury is felt by the higher, there are a thousand petty but vexatious consequences resulting to the lower classes, whenever placed by the legislature in a state which implies distrust or neglect. They are at least exposed to the insults, if not injuries of those who, without better claims, are more fortunately circumstanced; and their minds are continued in that state, which is not proof against the insinuations of design-

ing men, who, exaggerating their grounds of discontent, shake their fidelity, and corrupt their civil principles.

This large deduction from the happiness of individuals, and this serious and certain loss to the public weal, should induce us to examine accurately the merits of the system creating them. It is undeserving of support, unless its advocates can shew, with absolute certainty, that at present the evil is counterbalanced by advantages strictly resulting from it; or with a probability approaching to certainty, that equal or greater evils will flow from its repeal. The ground upon which Catholic disqualification has been and must always be defended, is, the incompatibility between the religious and civil duties of this body of men. I have before given my reasons for thinking, that in past events any defective performance of their duties as subjects, cannot be ascribed to the prin-

ciples of their religion. To the arguments deduced from whatever quarter, that they cannot be good subjects, I oppose the fact that they are such; and for the truth of the fact, refer to the repeated admissions of their loyalty and civil virtue by the legislature itself.* Before dangerous principles are ascribed to any religion, it should at least be treated as indifferent, and not punished as hostile. This has never been the case with the Catholic religion since the Reformation. It has hitherto been rigorously punished, and is not yet impartially examined.

As the defects springing from ignorance were, as we have shewn, common and equal amongst all societies of Christians; so we must allow, that an increase of knowledge is attended with the same

* Preambles to 31 Geo. III. c. 32; 33 Geo. III. c. 44; also 21 and 22 Geo. III. c. 24, &c. &c.

beneficial consequences to all. Though the religion of Catholics was the same two hundred years ago that it is now, and will be two hundred years hence, yet they may more thoroughly comprehend it; they may, like Protestants, be more skilful in reconciling precepts which appear to clash with each other, and from the whole derive results more favourable to their own and the general welfare. A Protestant ecclesiastic may be allowed, if he thinks it becoming, and is not afraid of retaliation, to sneer, in the narrow spirit of a sectarian, at the exertions of a Catholic, when adjusting the bounds of his spiritual and civil obedience. I should hardly think that a statesman would partake of such feelings. For, the endeavour, if conscientious and continued, is an earnest of that temper of mind which liberal treatment will influence; and a proof of that sense of civil obligation, which makes a citizen trustworthy. Suppose an irreconcilable con-

flict to exist between an oath to the Pope, and another to the government, I say, endear the government to the Catholics by a full communication of its privileges ; and, whether we look to the real essence of all religion, or to the situation in which they will then have been placed, there seems little doubt in deciding which of the two obligations shall prevail.

But, I am very far from admitting, that Catholics have been, or are engaged in an attempt to reconcile inconsistent obligations. On the contrary, as might be expected in the case of a learned church perpetually engaged in considering the authority of councils and the extent of the power of its spiritual head, nothing seems more accurately defined than these subjects ; and it is impossible not to be struck, even on a slight examination, with the scandalous ignorance of those, who wish to prescribe to Catholics

the interpretation to be put on the various obligations they come under.

Every rational and candid Protestant will admit, that some at least of the articles of his faith are to be believed, not according to the common acceptance of the words in which they are conveyed, still less in the extreme latitude to which an adversary may push them.* How many valuable commentaries would have been lost to the world, if to enlarge upon an article of faith, or to explain the sense of an oath, were a privilege not to be allowed to him that believes the one, or takes the other. But this liberty, which all of us who have ever thought about our faith claim for ourselves, some are unfairly disposed to refuse to the Catholics. It is our sense, and that the most obnox-

* It is well known, that the Thirty-nine Articles have been subscribed by some of the ablest members of the Church of England, not as articles of truth, but of peace, which they would neither admit nor oppose.

ious, which we insist is the proper one to be placed on their decrees and oaths. In vain does the Catholic disclaim it; in vain does he assert, that his church never did impose the oath in our objectionable meaning, or that if ever individuals did from ignorance or malice, he for himself utterly disclaims it. Nothing but an abandonment of the tenets, and in fact the new moulding of the whole Catholic creed and doctrines, will calm the pretended or real fears of his Protestant opponent.

Such is the flexibility and variety of the human mind, that, from the same premises, the same individual at different times, or different individuals at the same time, much more different individuals at different times, shall draw conclusions the most opposite, and carry them into practice with unsuspected sincerity. Unless political wisdom be a bubble, it consists in disregarding the flattering or for-

midable appearance of men's professions and doctrines, and in ascertaining from experience and present probability their effects and tendencies. If those, whose regard to truth we have no just reason to impeach, but every reason to respect, come and solemnly declare, that, by such words as these in an oath of great antiquity, "*hæreticos schismaticos et rebelles eidem Domino nostro et successoribus pro posse persequar et impugnabo,*" they only undertake to "employ their solicitude and efforts in convincing heretics of their errors, and procuring their reconciliation with the Catholic church,"* is it decent, is it wise, to taunt them with the inconsistency between the interpreted and literal meaning?

* Extract of a letter from the cardinal of the college of the propaganda to the R. C. Archbishops of Ireland, 1791. I am, of course, aware, that these words, at the request of the Irish archbishops, have been expunged from the pontifical oath. But, if they had remained, they were virtually so interpreted for the last century by those who took the oath.

Is this mode of mollifying the austerity of oaths and articles so unknown to our history and religion? I think not. When the coronation oath of Scotland* was tendered by the Earl of Argyle to William, the King recoiled at those words of it, by which he promised to be careful “to root out all heretics and enemies to the true worship of God;” and declared, that he did not undertake to become a persecutor. The Commissioners represented, that the clause did not import the destroying of heretics; and that by the law of Scotland, no man was to be persecuted for his private opinion. In this sense William took the oath;—a sense, as much at variance with the words, and as much contradicted by former practice, as any interpretation can be of the pontifical oath of the Catholic bishops. In the thirteenth Article

* Tindal. Burnet. Sir John Hippisley, Speech 1812. Appendix.

of our own church, it is laid down, that, “ Works done before the grace of Christ, and the inspiration of his Spirit, are not pleasant to God;* forasmuch as they spring not of faith in Jesus Christ, neither do they make men meet to receive grace, (or as the school authors say) deserve grace of congruity. Yea, rather for that, they are not done as God hath willed and commanded them to be done, we doubt not that they have the nature of sin.” Surely, some able divine of the establishment has done himself great credit, and his church great service, by an extended explanation of this dogma. To leave us with the school authors and their grace of congruity, is by no means satisfactory ; and in the hasty and ignorant view we take of the meaning, it does not seem incumbent on any one to die a martyr for the truth of this Ar-

* And this must mean good works; for bad are not, I apprehend, even after justification, pleasant in the sight of God.

ticle. I quote it in order to ask, Is it, or is it not a tenet, which must be reduced or qualified by some rational interpretation or other? Will not every member of the establishment accept of a meaning, however tortuous and refined, by which it can be reconciled to ordinary morality? If this be so, why then are we to be so critical with the Roman Catholics? Why to them alone is to be denied the liberty of expanding what seems contracted, of contracting what may be too sweeping, of sweetening what appears austere in their canons, their oaths, and their declarations?

By many alarmists the doctrines of the Roman Catholic are considered so immeasurably distant, so irreconcilably hostile to those of the established church, that they, who conscientiously profess them, cannot form the same estimate even of civil duties; and that the subjection of one faith to the other is the

only means of escaping the evils of religious discord. But the wisest and ablest champions of the respective churches have thought otherwise. Archbishop Wake, one of our soundest theologians, and whose attachment to the church of England was never doubted, has no hesitation in making the following admission to his correspondent, the ecclesiastical historian, Dupin. “*In dogmatibus pro-ut à te candidè proponuntur non admodum dissentimus, in regimine ecclesiasticâ minus, in fundamentalibus seu doctrinam seu disciplinam spectes vix omnino.*” Let us now hear the opinions of a Catholic, and that Catholic Bossuet, the glory of his church. This great man had conceived with Leibnitz, (another name of some splendour, I conceive,) the project of a re-union between the Catholic and Lutheran churches;* and it being countenanced by the Emperor

* An Address to Protestants, by Charles Butler, Esq. p. 18.

Leopold, and several princes of Germany, was discussed in a series of letters between Bossuet, on the part of the Catholics, and Molanus and Leibnitz, on the side of the Lutherans. The following passage, in a letter from Bossuet to Leibnitz, will shew his hopes of success, and the spirit in which the scheme was conducted : “ The Council of Trent is our stay ; but we shall not use it to prejudice our cause. We shall deal more fairly with our opponents. We shall make the Council serve for a statement and explanation of our doctrines. Thus we shall come to an explanation on those points, in which either of us imputes to the other what he does not believe, and on which we dispute, because we misconceive each other. This may lead us far ; for Molanus has actually conciliated the points of the justification and eucharist. Nothing is wanting to him on that side, but that he should be avowed. Why should we not hope to conclude in the

same manner disputes less difficult, and of less importance." There is something infinitely delightful, in observing the manner in which noble spirits like these conduct discussions the most delicate and refined.

Not being versed in the ecclesiastical history of councils, and aware of the extravagant pretensions of different popes, I expected, that the anti-catholics would have been able to cite one canon after another, from councils in all ages, lodging extraordinary powers in the popes, of dethroning monarchs, and exterminating heretics. My surprise was great indeed, when I found this head of charge dwindled down, and nearly confined to the production of the third canon of the fourth Lateran council. I shall therefore examine this formidable canon, premising a few remarks upon the nature of councils in general, and the authority of their decrees.

In early ages, ecclesiastics were almost the only persons qualified, by their knowledge and habits of life, for offices of state; and accordingly, in our own history, we find them appearing as guardians of the realm, in the absence of the sovereign, chancellors, ambassadors, and in other eminent stations. The popes were acknowledged by all Europe as temporal sovereigns; and to them perpetual and voluntary references were made by the other temporal sovereigns, upon affairs of the greatest moment.* To this we may refer, in part, the mixed character of the decrees of general councils. As has been justly said, these assemblies were general Parliaments of Christendom, in which not only canons of faith and discipline

* *Ex eodem erga Romanos pontifices venerationis affectu, Principes, et populi non raro in politicis negotiis maximi momenti ad eos confugerunt, tanquam ad majorem ut existimabant, auctoritatem, quæ lites et dissidia facilius posset componere.*—De la Hogue, p. 260.

were settled ; but, the most important questions of civil policy were discussed, and the decisions upon them carried into effect by the co-operation of civil and ecclesiastical authorities. To this very council of Lateran, held in 1215, resorted 412 bishops, the oriental Patriarchs, and ambassadors from the Emperors of Germany and Constantinople, and from the Kings of England, France, Arragon, Hungary, Jerusalem, and Cyprus. It was held, 1. for the recovery of the Holy Land ; 2. for the condemnation of heresies, particularly of the Albigenses, and checking their excesses ; 3. for the restoration of discipline.*

The Romish church having admitted, what to us appears an erroneous fundamental principle, the infallibility of councils, it is perfectly natural, and ought readily to be believed, that it is

* De la Hogue. p. 435.

strict and jealous in the rules, by which it ascertains what kind of councils, and what sort of canons are obligatory. It is indeed curious to observe, how the Catholics narrow the extent of this prerogative of councils; how anxiously they fence it in, to prevent the danger of having the errors and bad passions of men palmed upon their consciences.

When it has been incontrovertibly established, that a council is general, or œcumenical, which can only be when the whole church acquiesce in it, without reclamation;* it is next necessary to distinguish whether a canon appertains to doctrine or discipline. To the former alone, is the attribute of infallibility given. “For”, as the illustrious Bossuet has remarked, “in councils

* See a collection of passages from Chancellor D’Aguesseau, in p. 17, of Appendix to Mr. Evan’s Letters on the Legal Disabilities of R. C.—Ridgway, 1813. See also de la Hogue Tract de Eccles. 165.

many things are spoken and done, without much previous deliberation ; by which Catholics most unanimously declare they do not consider themselves bound ; many matters, too, are decided, which do not belong to the unchangeable rule of faith, but are suited to the varying characters of times, and the changeable complexion of human concerns.”* Consider, therefore, with what caution we must tread, when examining these records, and extracting what we suppose to be tenets of the Catholic faith. For a decree of such council may have reference to subjects merely secular, and consequently temporary, and have no relation whatever to faith ; or it may contain a canon of discipline, and be obligatory only in states, where it is canonically received ; or it may be a canon of faith, and strictly and perpetually binding. I will now give

* Letters on R. C. Tracts by Rev. E. Slater.

the canon itself, together with a Protestant and Catholic explanation of it.

“Si vero dominus temporalis requisitus et monitus ab Ecclesiâ terram suam purgare neglexerit ab hac hæreticâ pravitâ, per metropolitanum, et cæteros comprovinciales Episcopos excommunicationis vinculo innodetur. Et, si satisfacere contempserit infra annum, significetur hoc summo Pontifici: ut extunc ipse vasallos, ab ejus fidelitate denuntiet absolutos, et terram exponat Catholicis occupandam, qui eam exterminatis* hæreticis sine ullâ contradictione possideant, et in fidei puritate conservent: salvo jure domini principalis, dummodo super hoc ipse nullum præstet obstaculum, nec aliquod impedimentum opponat: eâdem nihilominus lege servatâ circa eos qui non habent dominos principales.”

* Id est, says de la Hogue ex vi vocis “expulsis.”

In the first place, I find that the canons, published amongst the works of Innocent III. bearing the name of the Decrees of the Fourth Council of Lateran, are by most critics deemed spurious.* In the next place, the council in authorizing the Pope to depose feudatories, did not act or pretend to act by the power of the keys, or by apostolic authority, but lodged this power in him, by consent of the secular princes, who were present in person, or by their am-

* Rev. E. Slater, p. 40. Two of his authorities must be allowed by the most bigoted Protestant to have some weight. Archbishop Bramhall, in his *Schism Guarded*, § 1. c. 6, observes, "It is as clear as the day, that they (i. e. the canons of this council) were not made by the council of Lateran." Cave, in his *Hist. Lit.* says (p. 696. ed. 1688.) "Arguments, and those not despicable, are not wanting, to take away from the decrees of this council all credit and authority; nor do they appear to have a shadow of synodal authority, besides what they may have acquired from having been digested by Innocent III. and by him proposed to the council."

bassadors.* Accordingly, in this council, the first and second canons are the only doctrinal and dogmatical ones, which oblige all the faithful; this third, is only a canon of discipline, in which faith is not concerned, which no nation is bound to receive; and consequently, which lays no obligation upon conscience to assent to it.†

This disciplinary canon then, was a combined effort of imperial and pontifical power, directed against the mesne lords of a set of unfortunate men, who had rendered themselves universally obnoxious; and enjoined, in certain cases, the seizure of their lands, reserving the rights of the sovereign or principal lord. And the same punishment was to be inflicted on those, who had no principal

* De la Hogue Tract. de Eccles. 266.

† Dr. Troy's Letter, p. 25 of Supplementary Appendix to Sir J. Hippisley's Speech, 1810.

lords, but were possessors of frank allodial domains.

A Catholic, of the present day, feels himself no more obliged to justify the spirit of such a canon, than to maintain the validity of the bull of excommunication, fulminated by Pius V. against Elizabeth, neither forming permanent rules of faith, or guides to his conduct.

“ I shall not think it necessary,” says Mr. Gregor,* “ to state at any length what the decrees of councils have been; the following will afford a sufficient specimen.” He then cites the above canon. I must confess it does appear quite sufficient to justify the complaints which the Catholics make of the extreme ignorance of those of their opponents, who undertake to expound their doctrines for

* Remarks on the proceedings of the Lords and Commons, 1813, p. 29.

them. I have attempted to shew from Catholic authorities, with what caution and limitations canons are to be entertained before they become articles of faith. But zealous Protestants never dream of these things ; without any attention to the history which accompanies councils ; careless or ignorant whether the canons passed are disciplinary or doctrinal ; confounding bulls of Popes with doctrines of the church ; in some cases not even well grounded in the language in which these documents are drawn up,* they combat religious prin-

* Lord Kenyon translates, "*Nihil temporale detinentes ab eis*,"—"who have nothing temporal in their character," p. 37 ; and this is one of his media of proof, that a man cannot be a good Catholic and a good subject. Whereas it is merely a prohibition to ecclesiastics, "holding no temporalities," from secular barons to swear fealty for what they did not enjoy. It would not be amiss, either if Mr. Gregor would re-consider his translation of "*sanctitas sua benignè annuit ut loco præcedentis juramenti formulæ altera subrogetur*." He will probably find that Dr. Troy is not a more "zealous," but only a more correct translator than himself, p. 35. n.

ciples of their own creation; and, making a hideous caricature, instead of a just portrait, say, This is a Catholic! Mr. Gregor, in citing the last words, "*eâdem nihilominus lege servatâ circa eos qui non habent dominos principales,*" construes them thus: "and let the same rule be observed with respect to those who have no principal lords, i. e. republics." Probably, by this time, Mr. Gregor is aware, that the words no more relate to republics, than they do to the governments of China or Japan. Lord Kenyon,* on the other hand, seems to think that sovereigns are meant. For we are told by him, that in the great Lateran council, as the Romanists call it, it is declared, that the Pope may depose kings, absolve their subjects from their oaths of allegiance, and give away their kingdoms. "What may be the feelings of the reader," (remarks a gen-

* Observations by Lord Kenyon, p. 37.

tleman,* who seems a good deal more conversant with such subjects than my Lord Kenyon), “ it is not for me to predict; but truth compels me to inform him, that the canon, to which the noble Lord alludes, contains not a single word respecting the transfer of kingdoms, the deposition of kings, or the absolution of their subjects from their allegiance to them.”

This noble author is a favourite with the Bishop of Gloucester; who informs us,† that “ My Lord Kenyon’s observations on the Catholic Question, *demonstrate* that preponderance of argument drawn from law, fact, and expediency, neither is on the Catholic side of the question, nor can be, till law and fact are totally altered.” I will not conceal my opinion because it happens to be totally

* Review of certain Anti-catholic Publications, by the Rev. John Lingard. Booker. 1813, p. 63.

† Letter to Lord Somers, p. 138.

opposite. To me these observations demonstrate something very different from what they were intended to prove; and are, indeed, the most extraordinary collection of paralogisms and mistakes I ever remember to have met with. I have only room for one of the latter, but it is decisive and amusing. To prove this Catholic doctrine of deposing sovereigns and transferring allegiance, Lord Kenyon descends from councils to living authorities; and selects one of very high eminence, who, though he may have often engaged in controversy, was probably never dealt with after this fashion before. In a work upon the Chief Revolutions in the Empire of Charlemagne, by Charles Butler, Esq. an account is given (p. 225.) of the late refusal by the Gallican prelates to allow the Pope a power of new modelling the church of France, in conformity with the concordat entered into with Buonaparte. The author expresses himself as follows: "Such was

the extraordinary state of things, that nothing short of the *dominium altum*, or the right of providing for extraordinary cases by extraordinary acts of authority, could be exerted with effect; and that *dominium altum* in the spiritual concerns of the church, the venerable prelates cannot consistently with their own principles deny to the successors of St. Peter." Lord Kenyon, by some unaccountable blunder reads, writes, and prints twice *dominium alterum*; and, not at all staggered by the consideration, that *dominium alterum* in the above passages, would be downright nonsense; or that if it had any meaning Mr. Butler had not left it for him to translate, but had distinctly assigned the sense in which he had employed it; not recollecting, "that words cannot express a stronger disbelief of the rights of the Popes to temporal power, direct or indirect, or a stronger detestation of their claim to it, than is expressed repeatedly in the work re-

ferred to.”* He gravely quotes the above extract to shew “satisfactorily, from modern authorities and modern practice, that, as firm an adherence to all these tenets exists amongst the present Romanists as in the most bigoted times of antiquity.”

This is an instance of great literary inhumanity in Lord Kenyon. It is considerably worse than the conduct reprobated by Mr. Sheridan, of those, who “treat other men’s sentiments as gypsies do stolen children, disfigure them to make them pass for their own;” for here Lord Kenyon not only so disfigures a sentiment that it can have no claims of paternity upon the author to whom he ascribes it, but then discards it himself, and turns it adrift into the world, where no man in his senses will ever adopt it.

I have been minute in examining,

* Mr. Butler’s Letter at the end of Mr. Lingard’s pamphlet.

upon what foundations it has been assumed by Anti-catholics, that a deposing power^{*} is acknowledged to reside in councils or Popes by the adherents of the Romish faith. That it has been exerted by different Popes is another question; and very odd it would have been, if this and every other extravagant pretension had not at some time been advanced by them, considering the circumstances in which they were placed. With equal advantage to the Catholics, the enquiry might be extended to any other doctrine which they are reproached with maintaining. It might easily be shewn, that, no infallibility is recognised by them in the Pope, even when speaking *ex cathedrâ*;* that absolution is granted by their priesthood on terms precisely similar to those on which our own church allows it; that, secret or auricular confession is equally part of the discipline of the mother church, and the church of Eng-

* De la Hogue. De Eccl. p. 376.

land ; so much so, that when the canon, authorizing it in the latter, was cited in the House of Commons by Sir J. C. Hippisley, it was disclaimed by Mr. Wilberforce as belonging to the Church of Rome.* But the prosecution of this part of the subject is, I hope, unnecessary.

It will be observed, that I have occasionally referred to the work of De La Hogue : the weight of this author appears to me peculiarly great. He is, it seems, a doctor of the Sorbonne, and formerly was a professor in that college ; and is now the professor of theology in the college of Maynooth. To him, therefore, principally is entrusted the education of those destined to the service of the Catholic Church in Ireland.

* Sir J. C. Hippesley's Speech, 1810, p. 46. No Protestant, since the days of Burke, can pretend to vie with this gentleman in the services he has rendered to the Catholic cause by his valuable publications.

For their use, he has published, amongst other valuable performances, his “*Tractatus de Ecclesiâ Christi.*” As was to be wished, he is warm, and powerful, and pugnacious, in the defence of those foundations upon which his church is reared. But, on all those doctrines, bearing in the most remote manner upon the civil principles of the Catholics, he is equally explicit; and proves, by irrefragable arguments from scripture, tradition, and theological reasons, that loyalty and the performance of every civil duty are perfectly compatible with, nay are the very essence of the Catholic faith. I recommend him heartily to the Bishops of Lincoln and Gloucester, to my Lord Kenyon, and Mr. Gregor.

For example, he proves that Christ gave to Peter and his successors, no authority, direct or indirect, over the temporalities of sovereigns; and then the conclusion follows, that sovereigns never

can, by the authority of the keys, be deposed, nor can their subjects ever be absolved from their fidelity and obedience.*

If, from these standard works of theology, we descend to the catechisms and books of prayer circulated by the priesthood of this church, we may be satisfied, that, being imbued themselves with good principles, they are not inactive in the propagation of them. Or if we look to the fruits of this religion in the Catholics of the present day, we see the same harmony in their civil declarations and conduct.

It ought ever to be remembered with sentiments of the deepest gratitude and respect, that Catholic wrongs were sincerely commiserated by the enlightened benevolence of that royal mind now so unfortunately eclipsed. To justify and

* Tract. de Ecc. p. 241.

encourage this sentiment, the English Catholics, in 1789, drew up a declaration of their principles. Five tenets are enumerated, which by Protestants they have been represented as holding: 1st. That excommunicated princes may be deposed or murdered. 2nd, That implicit obedience is due from them to the decrees of the Popes or councils. 3d, That the Pope, by virtue of his spiritual power, can dispense with the obligation of any compact or oath. 4th, That the priest can absolve sins at his will and pleasure. 5th, That no faith is to be kept with heretics. They reject and renounce them all. I must beg to refer the reader to the declaration itself; for no words or extract of mine can do justice to the earnest and impressive manner, in which the disavowal is expressed. This declaration was signed by 1,740 persons, including several peers, and 240 clergymen of the Catholic persuasion.*

* This declaration and protestation will be found in

That the evidence upon these points might, if possible, be more complete, Mr. Pitt determined to ascertain what opinions were held upon them by fo-

“ Letters on Roman Catholic Tenets, by Rev. Edward Slater.” p. 3.

Mr. Gregor has asserted in his pamphlet, that in consequence of the opposition of the vicars apostolic, the majority of the signatures to this declaration, was subsequently withdrawn. Struck with the importance of this assertion, I examined the roll at the British Museum, where it is deposited. Having looked through ten or twenty yards of signatures, and convinced myself of the total inaccuracy of the statement, I became ashamed of the trouble which Mr. Gregor was giving at that moment to Mr. Planta, and desisted from the search. For myself, I certainly ought not to complain, as my inquiries on this subject brought on a personal acquaintance with the gentleman, to whom this work is dedicated. How little the Catholics of the present day allow not merely apostolic vicars, but the spiritual head of their church, to interfere with civil obligations, may be seen from the instructions given to the agent, deputed by them to explain to the court of Rome, their conduct in framing this very protestation; and which, by the kindness of Mr. Butler, I am allowed to publish.—See Appendix, No. 2.

reign ecclesiastical and learned societies. In compliance with his wishes, three questions were framed and submitted to the six universities of Paris, Louvain, Douay, Alcala, Salamanca, and Valadolid. It will be observed, that the first of the subjoined questions, is involved in the second tenet, selected and denied in the above declaration ; the second question corresponds with the third of the tenets, and the third with the fifth.

Question 1. Has the Pope or Cardinals, or any body of men, or any individual of the church of Rome, any civil authority, power, jurisdiction, or pre-eminence whatsoever, within the realm of England?

2. Can the Pope, or Cardinals, or any body of men, or any individual of the church of Rome, absolve or dispense with his majesty's subjects from the oath

of allegiance upon any pretext whatsoever?

3. Is there any principle in the doctrine of the church of Rome, by which Catholics are justified in not keeping faith with heretics, or other persons differing from them in religious opinions, in any transaction, either of a public or private nature?*

All these questions are unanimously answered by these bodies in the negative. The sacred faculty of divinity at Paris, not only declares that, neither Pope, nor Cardinals, nor any body of men, have civil authority within any kingdom; but, that this is the doctrine which it has always held, and that it has uniformly and zealously proscribed the contrary doctrine. The tenet, that

* Slater, p. 18. See these answers at length in "a Collection of Statutes for the relief of the Irish and the English Catholics."—Ridgway, 1812.

it is lawful to break faith with heretics, it stigmatizes as so repugnant to common honesty, and the opinions of the Catholics, that *there is nothing of which those who have defended the Catholic faith against Protestants, have complained more heavily than the malice and calumny of their adversaries, in imputing this tenet to them.* To the first and second question, the university of Douay reply in the strongest negative; and declare, that this is the doctrine which the doctors and professors of divinity teach in their schools; and *this all the candidates for degrees in divinity maintain in their public theses.*

In the answer returned by the university of Louvain, there is a stinging reproof of the ignorant illiberality of Protestants; and a natural feeling expressed, as if an insult had been offered to them, in requiring an answer to such questions. “ Struck with astonish-

ment," say they, "that such questions should at the end of the eighteenth century be proposed to any learned body, by the inhabitants of a kingdom that glories in the talents and discernment of its natives," they answer the first and second questions absolutely in the negative. Proceeding to the third, "in perfect wonder that such a question should be proposed," they unequivocally answer, that there is not, and never has been among the Catholics, or in the doctrines of the church of Rome, any law or principle which makes it lawful for Catholics to break their faith with heretics.

The answers of the Spanish universities are more concise, but equally distinct, in disclaiming the principles which the questions not indirectly impute to the Catholics.

The authority of these documents is

by some attempted to be invalidated, from the circumstance of the answers having been returned, by what the Italians term the ultra-montane churches. From Mr. Pitt, the questions originated, and we may conclude, that the particular universities were of his selection, or received his approbation. But by whomsoever the choice was made, it was a good one. What was the object of these questions, but to receive a confirmation of the civil principles declared by the Catholics to be deductions from their faith; and from what public bodies could this be more properly procured than from the Catholic universities of the three great Catholic kingdoms of Austria, France, and Spain? Had the reference been made to Rome itself, we should have heard of mental reservations perhaps, or the Catholics would have been turned round, because the answers had not been required from the universities from which they have now been received; and to the same candid op-

ponents, if answers had been procured from both quarters, they would have appeared unsatisfactory, because application had not been made to Prussia ; that being, as it might have been said, the only instance in point, where the religion of the sovereign is heretical. There is no end to such cavils ; and the Catholics may well be content with having collected evidence on this head, which malice cannot gainsay, or ignorance long withstand.

Another step, which the Catholics have taken, to remove still farther any apprehension of danger to the Protestant establishment, consists in the alteration which they caused to be made in the Pontifical oath, taken by Catholic bishops, on the day of their installation. A similar alteration (viz. in expunging the words “ hæreticos perseguar, &c.” above alluded to)* had already been al-

* In page 243.

lowed at the instance of Catherine of Russia, when she erected the city of Mohilow into an archbishoprick of the Roman Catholic religion. This is authorized by a rescript of Pius VI. dated the 23d of June, 1791, and expressed to be at the representations of the R. C. archbishops of Ireland, to whom it is addressed. The amended oath concludes as follows: "I will observe all and every one of these things the more inviolably, as I am firmly convinced that there is nothing contained in them, which can be contrary to the fidelity I owe to his most serene majesty, King of Great Britain and Ireland, and his successors on the throne, so help me God, and these Holy Gospels of God. Thus I promise and engage."*

Those, however, who wish to know the avowed sentiments of even the

* Sir J. C. Hippisley's Sp. 1810. Appx. p. 53.

church of Rome itself, upon some of the questions submitted to the universities, may be gratified by perusing the extract of a letter from the congregation of cardinals of the Propaganda, addressed to R. C. archbishops of Ireland, accompanying the above rescript, and dated 23d June, 1791.*

“ In this controversy, a most accurate discrimination should be made between the genuine rights of the apostolical see, and those that are imputed to it, by innovators of this age, for the purpose of calumniating. The see of Rome never taught that faith is not to be kept with the heterodox; that an oath to kings, separated from Catholic communion, can be violated; that it is lawful for the bishops of Rome to invade their temporal rights and dominions. *We too, consider an attempt or design against the lives of kings and princes,*

* Sir J. C. Hippisley's Sp. 1810. Appx. p. 53.

even under the pretext of religion, as a horrid and detestable crime.

“ His Holiness, Pius VI. has not, however, disregarded your requests : and therefore, in order to effectually remove every occasion of cavil and calumny, which, as you write, some borrow from the words in the form of the oath of obedience, to the apostolical see, that bishops are required to take at their consecration, (*hæreticos, &c. persequar, &c.*) which words are maliciously interpreted, as the signal of war against heretics, authorizing persecution and assault against them, as enemies ; whereas the pursuit and opposition to heretics, which the bishops undertake, are to be understood as referring to their solicitude and efforts in convincing heretics of their error, and procuring their reconciliation with the Catholic church : his Holiness has graciously condescended to substitute in place of the ancient

form of oath, that one which was publicly repeated by the archbishop of Mohilow," &c.

In conformity with these principles and protestations, foreign and domestic, the British Catholics refuse not the oath of allegiance,* and abjuration.† To the oath of supremacy‡ they must object, because it requires the renunciation of all spiritual authority in the Pope; change the word "spiritual" into temporal, and the English Catholics take the oath of supremacy in the 31 G. III. c. 32. They also promise to maintain the succession of the crown, in the heirs of the Princess Sophia being protestants; and all the above-mentioned political tenets supposed to be maintained by them, they expressly, and on their oaths, abjure.

* 1 G. I. c. 13. st. 2.

† 6 G. III. c. 53.

‡ 1 G. I. c. 13. st. 2.

By the 33 G. III. c. 21. The Irish Catholic expressly engages to defend, “to the utmost of my power, the settlement and arrangement of property in this country, as established by the laws now in being: I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present church establishment, for the purpose of substituting a Catholic establishment in its stead; and I do solemnly swear that I will not exercise any privilege to which I am, or may become entitled, to disturb and weaken the Protestant religion and Protestant government in this kingdom.”

Consistently with the maintenance of their religion, it is impossible for them to go farther; and, to use the words of one of their addresses,* the Roman Ca-

* Address of R. C. prelates of Ireland, 26th Feb. 1810.—Appendix to Sir J. C. Hippisley’s Speech, p. 17.

tholics have in fact given security, such as we believe is not demanded by any other state from native subjects, and beyond which, no pledge can be effectual, short of the overthrow of their consciences, and such other perpetual and public degradation of their communion, as will tend to disquiet the government, notwithstanding an ostensible emancipation, by the sense of indignity on the one hand, and by the continuance of suspicion on the other."

With respect to the conduct of the Catholics, as exemplary citizens of the state, since the accession of the House of Hanover, I had hoped to have found it unnecessary to say a single word. I thought it but natural that Lord Kenyon should quote, and praise, and cling to Sir Richard Musgrave;* and I con-

* The first edition of Sir Richard Musgrave's work, was dedicated to Lord Cornwallis. Upon reading it,

sidered the historian and his commentator as well met and matched together. But how came a learned and venerable bishop* of the establishment, in an address to his clergy, to dwell upon the effects of Catholic belief, in such terms as the following: "We cannot forget it was the creed of those, who but fifteen years before the reign of his present majesty, within this kingdom, encouraged a war, which had for its object, the total overthrow of the Protestant government, and the utter exclusion of the Protestant sovereign, then existing," &c,—“It was the creed of those, who within our own memory,

Lord Cornwallis directed his secretary to write to Sir Richard, informing him, that had his excellency been apprized of the contents and nature of the work, he would never have lent the sanction of his name to it; and desiring that in any future edition, the dedication might be omitted. Lord Kenyon, however, pronounces it to be a "vainly assailed work."

* Bishop of Gloucester, p. 26 of his Charge 1810.

within the short period of eleven years past, in Ireland, instigated a rebellion, which a writer of that country declares to have been ‘eminently destructive;’ and which he affirms, massacred, without mercy, all Protestants, men, women, and children.” If these passages merely imply that Catholics were engaged in those rebellions, they are altogether irrelevant to the purposes for which they are adduced; if they mean any thing more, they are absolutely at variance with all that bears the semblance of authentic record. As far as I am aware, this is the first time, that the rebellion of 1745, hatched in the highlands of Scotland, led by Kilmarnock and Balmerino, originating in the absurd jacobite principle of hereditary and infeasible right, combined with personal and national attachment, was ever brought forward to impeach the loyalty of the Catholics. As for the Irish Catholics of that day, for the satisfaction

of the bishop, I will transcribe from a book, to which I have already so often referred, the following conclusive answer to the charge. In the year 1762, the primate of Ireland, Doctor Stone, declared in his place, upon a debate in the House of Lords, “ that in the year 1747, after that rebellion was entirely suppressed, happening to be in England, he had an opportunity of perusing all the papers of the rebels, and their correspondents, which were seized in the custody of Murray, the Pretender’s secretary; and that, after having spent much time, and taken great pains in examining them, (not without some share of the then common suspicion, that there might be some private understanding and intercourse between them and the Irish Catholics,) he could not discover the least trace, hint, or intimation of such intercourse or correspondence in them, or of any of the latter’s favouring or abetting, or having been

so much as made acquainted with the designs or proceedings of these rebels. And what" he said " he wondered at most of all was, that in all his researches, he had not met with any passage, in any of these papers, from which he could infer, that either their holy father the Pope, or any of his cardinals, bishops, or other dignitaries of that church, or any of the Irish clergy, had either directly or indirectly, encouraged, aided, or approved of the commencing or carrying on of that rebellion.*

And, when upon such a subject as that of the Irish rebellion of 1798, with such copious sources of information within his reach, we find this excellent person yielding himself up quietly to Dr. Duigenan, it is impossible not to consider this as the most romantic degree of confidence that was ever placed

* Dr. Curry's Civil Wars, &c. p. 557.

by one individual in the accuracy of another. The Bishop of Gloucester will readily admit that violence of assertion must not carry the day ; and that the truth of historical facts is established more by the weight than the number of authorities. He will agree, that Mr. Pitt had at least as easy access to authentic information, and was as capable of balancing testimony, as the doctor himself. Yet he certainly came to an opposite conclusion ; for he declared in the House of Commons, “ I do not consider the late rebellion in Ireland to have been a Catholic rebellion.”* Or,

* Sir Henry Parnell's History of the Penal Laws, p. 151, he cites Debates on the Catholic Petition, (Cuthell and Martin) p. 126.

“ I must call to the bar all his Majesty's present and late ministers, whom I have heard during their separation, and since their coalition ; those who are favourable, and those who are inimical to the proposed measure, concur in declaring that rebellion not to have been in its essential character, a Catholic rebellion.” Dr.

if the bishop will peruse the report of the committee of the Irish House of Commons, appointed in 1798, to examine the evidence, he will find how widely he has erred, when, to the prevalence of the Catholic faith, he attributes the origin or object of that insurrection.

Reverting, then, to their doctrine, their declarations, and their conduct, the British Catholics are entitled to hope that the legislature of the United Kingdom will continue to interest itself in their favour. As the grounds of confidence between them and the state, have not lately diminished, but multiplied, they have a right to expect that the spirit which dictated the preamble of the Irish act of 17 and 18, G. III. c. 9. may still be found to prevail; and that, as

that act proposed only to relax the incapacities under which they laboured, another may soon be framed, by which it may, “from their uniform peaceable behaviour for a long series of years, appear expedient utterly to ‘remove’ the same, as it must tend not only to the cultivation and improvement of this kingdom, but to the prosperity and strength of all his majesty’s dominions, that all his subjects of all denominations should enjoy the blessings of our free constitution, and be bound to each other by mutual interest and mutual affection.”

In these kingdoms, the Protestant is more widely diffused than the Catholic faith; and, by the influence of habit and conviction, is as deeply rooted in the affections of the people. There has been no recent fixing of new and unfixing of old interests. There is not, as in the reign of Elizabeth, a rival estab-

lished upon one throne of the island, invested with claims to another, who may distract the Catholics from their allegiance. There is no remnant left of the exiled Stuarts, whose interests any misplaced gratitude may prompt them to advance.

Of what nature are the dangers which can fairly be expected to result from the alterations proposed? The only one, indeed, that can be stated, is that arising from the dependence of the Catholics upon Rome ; from the supposition, that the head of their religion will be ever disposed to attempt, and the Catholics, from religious duty, bound to second his attempts for the subversion of the civil and ecclesiastical establishments of this country. Obedience of any kind to a power whose interests are not naturally identified with those of the state, to which they who pay it belong, may be a real or an imaginary ground of alarm ;

and is, in either case, a political evil. Whatever is the danger to be apprehended from the spiritual connexion between the Catholics and the Pope, the only question is, what will be the probable effect arising from the repeal of the present civil restrictions. Will that danger be thereby increased or diminished.

There is in all men, as it should seem by a law of our nature, an unquenchable thirst for power, to controul which the influence of religion is unequal. On the contrary, ecclesiastics, from a jumble of carnal and spiritual motives, sometimes unintentional and frequently voluntary, exhibit this passion raging within them at least as violently as the rest of mankind. I admit, therefore, that should circumstances ever favour the attempt, any conviction in the Pope, that, the obedience of the Catholics was only that of Christians to the vicar of Christ, would be but a feeble restraint upon his endeavours to claim an absolute, instead

of a qualified submission. But, every aspect, under which the present or future condition of the Papal throne can be viewed, shews the improbability that a court, not often led away from its real interests, will ever again find it in the assertion of extravagant claims. The pretence that foreign kingdoms were fiefs of the Holy See, was an assumption adapted for, as it was only admitted in, the rudest ages. It has been for some time very little, and is obviously every day less and less the policy of the Romish See, to embroil itself in the secular affairs of foreign states. The revolution in human opinion which has gradually taken place, the present state of society, the diffusion of knowledge—every thing in short portends, that, the only security to the Pope, for the possession even of the royalties of St. Peter,* is and will be his

* "The regalities of St. Peter mean neither more nor less than the Pope's principalities in Italy and Avignon."—Dr. Troy's Letter, Suppl. Appx. to Sir J. C. Hippisley's Speech. 1810. p. 24.

making a temperate use of his power. Whatever may be the ambition of these ecclesiastical sovereigns in future, if at all under the controul of reason, it will be circumscribed by their situation. Their throne is now established upon affection, not fear ; and that affection is a tribute willingly paid to a spiritual pastor, distinguished by virtues becoming his station. The haughtiness of Paul, or turbulence of Gregory, would shake to the foundations that power which they formerly advanced ; and any unwarrantable attempt, built upon the precedents of antient times, to commit the Catholics against the state, would leave the Pontiff an object of ridicule, and not of terror to the Protestant world.

For, to render temporal claims of the Popes formidable to a government, they must not only be advanced on the one side, but widely admitted on the other. But, we find that the Catholic

faith, as taught in these realms and throughout Europe, sanctions no such claims. If we look into our own or foreign history, we find perpetual instances in which they have been resisted. Oppressed as these religionists were under Elizabeth, we have seen that, in the most critical event of her reign, the Catholics maintained unshaken their fidelity. Even in those bigoted, and, to them, calamitous days, did the excommunications hurled at her head meet with support or countenance? Is this to be attributed to the fear of penal laws? This I apprehend is over-rating very much their efficacy, or indeed the efficacy of any human laws whatever. We have shewn from historical events, that when this monstrous code was in full vigour, the objects of it easily found means to evade, or inducements to brave it. What other solution then can be given for these facts, but that these powers asserted by Popes were so extra-

vagant and repugnant to common reason, that nothing but the delusion consequent upon the grossest ignorance, or the blindness created by the most grievous oppression, did ever induce Catholics to admit them? Considering their situation as infinitely better now than in times past, I derive a confident expectation, that any the least tendency in a foreign power to encroach, would be resisted by them in the outset. Being aware, however, that nothing so disturbs the judgment as resentment for merit over-looked, and injustice perpetuated, I would place their reason, affection, and religion, on the side of their duty. Having provided these, the strongest ties, by which citizens can be united to their country, I should feel little anxiety from an apprehension, that they would be susceptible of infusions, from any quarter, prejudicial to its interests.

I am not ignorant, that, in the opinion

of many, to talk of a reliance upon the affections and gratitude of nations, is idle and childish in the extreme. Their theory of government is simple, and consists in oaths, and bonds, and penalties. This has always appeared to me the wisdom of an exciseman, and not of a legislator. If there is one truth, which the history of all nations should imprint more indelibly than another, it is this ; that, the security of governments built upon fear is imperfect, because fear is not the strongest passion of our nature ; but that a government, which can make the general happiness of all who live under it compatible, and interest their affections in its support, will be indestructible ; because it operates upon those feelings which the best, the bravest, and the wisest of our kind are certain of possessing.

We are told, too, that the influence of the Catholic is infinitely greater than

that of the Protestant priesthood over their respective flocks; that this influence will never be directed but to one object, and that the aggrandizement of their particular church; and, consequently, that, by an admission of Catholics to the rights of the constitution, we introduce new subjects of dissension, instead of removing any which at present exist. Without attempting to deny this superior influence, or to point out the difference between a priesthood entrenched behind law, secure of endowment and pre-eminence, and one struggling against opposition and exposed to jealous censure—a situation calculated to create and foster an influence over the sect entrusted to it—I cannot help again and again remarking, that our attention should be confined to this point;—whether the removal of Catholic disabilities will probably have the effect of increasing this ecclesiastical power, and giving it a direction more dangerous than it has at

present to public happiness? Whatever may be the authority of a Catholic priest, no Protestant, I apprehend, would wish it diminished, while it is employed in instructing, reforming, and tranquilizing an ignorant, and therefore dissolute and turbulent population. That it has hitherto been exerted in this manner, and in a degree which has called forth the repeated thanks of government in Ireland, in the most critical emergencies, can be proved by evidence incontrovertible. It is easy for my Lord Kenyon or the Bishop of Gloucester to select single instances, and those from over-charged and doubtful statements, of priests who have perverted their spiritual influence to support treason and rebellion. But, considering the grounds that existed for rational discontent, and how easily inflamed the vulgar mind is where religion is at all concerned, it is the highest pitch not only of absurdity, but of ingratitude, to utter insinuations against the Irish priest-

hood as a body of men. They have had, during the last twenty years, in their keeping, the keys of a magazine of gunpowder, which they might have employed for the destruction, but in fact have used for the preservation of the British government.

But, supposing, in spite of experience and probability, an unfavourable change in the morals of the Catholic priesthood, will the abolition of the penal laws add one iota to their power? On the contrary, it will diminish it, if improperly exerted, by enlarging the sphere of civil action to the lay Catholics, by creating new hopes and prospects to be realized only by the stability of the constitution, by giving them more to lose, and less to gain by any change.

To that vehement cry of the "church in danger," we ought, if we understand its interests, to turn a deaf ear. That, in

many cases, it proceeds not from an honest anxiety for the church's welfare, seems more than probable. Whether raised by laymen or ecclesiastics, it has always appeared to me to originate in an ignorance of the real foundation upon which the influence of any church is built, and upon which alone it can be supported.

Actuated by nothing but the spirit of truth, I have freely delivered my opinion of the political merits of the church of England; and have lamented, as uncharitable* and unwise, the persevering op-

* I read the following extract from a "Concio apud Synodum Cantuariensem æde Paulinâ habita. Ne dicant (the author is speaking of the Catholics) se mitiores esse hodiè, justiores, humaniores; non jam esse quales eos fuisse nostri memorant. Quamdiu enim Tridentina illa invalescat confessio, quamdiu illa agendi sentiendique norma, ad quam omnia exigant, in integro sit, *tamdiu illos tanquam omnis humani pariter divinique juris hostes, pertimescere, et à curiâ et militiâ arcere necesse est.*" Now St. Paul informs us, that without charity a man is but "as sounding brass, or as a tinkling cymbal."

position of some of its most distinguished members to the Catholic claims. I trust this may be done without a suspicion of indecent hostility, or of latitudinarian principles. Believing, as I sincerely do, that its doctrine is the purest draught from those fountains, to which all Christians in common resort; that its discipline is the happiest mean between degrading superstition and disgusting fanaticism; and that, combined, it presents a scheme of worship, which the weakest of mankind may sufficiently comprehend, and from which the wisest need not recede, I think it a slander upon its excellence to suppose, that it can dread a competition with any rival sect whatever. In a wish for its support and pre-eminence, I unite cordially with my Lord Kenyon. But how is this to be effected? Are we still to delude ourselves, after all our historical evidence, by supposing, that legislative or regal interference is equal to the task?

They may, indeed, hold forth the shadow of a great name, and, by confining to the established church honour and emolument, may keep its ranks full; but, if its real support be the affection and respect of the people, can they enchain them? they may, indeed, prop up the temple, and great to the eye may be its beauty; but, if deserted by its worshippers, where will be its use? If the church be in danger, the danger is not from without; it springs from itself, and must by itself be cured. We are now debating whether the church of England can support its reputation, if the civil benefits of the constitution are extended equally to all who live under it. Does any intelligent well-wisher to this establishment desire that it should appear in so invidious a light, as it must, if this proposition is to be answered in the negative? If the church wants any thing, it wants exertion in its sons to display its beauties, by their lives and precepts;

it wants expansive charity. When an Archbishop of Canterbury is found in his place, advocating the cause of dissenters, and a Bishop of Norwich asserting the claims of our Catholic fellow-subjects, they add, incomparably more to the real security of their church, than all the penal laws which the wit of man ever devised.

Before I conclude, it may be proper, very shortly, to advert to those limitations in the appointment of Catholic bishops, contemplated under the name of the "Veto." It is well known, that such limitations were assented to by the Roman Catholic prelates of Ireland, assembled in Dublin in 1799; and, without any thing having intervened, which, to a Protestant, can give any clue to their motives, the same prelates, in terms equally unexpected and laconic, in 1808, declare it to be their decided opinion, that it is inexpedient to intro-

duce any alteration in the canonical mode hitherto observed in the nomination of the Irish Roman Catholic bishops. Here the matter ends; only that we are a little relieved by the declarations of the Catholic primate, Doctor O'Reilly, that, in his mind, and in the opinion of several other prelates, the danger, from adhering to their former concessions, and granting the Veto, is of a temporary nature, and resulting from existing circumstances; and, not a little disgusted with the caperings of Dr. Milner, who declares he will die a thousand times, rather than yield this point. With a strong conviction of the propriety of government, on the one side requiring, and of the Catholic church, on the other, submitting to some mode in the election of their bishops, by which the state shall have that security, which has been granted to all foreign states, Protestant as well as Catholic, I will only observe, that the Veto forms neither necessarily, nor in-

deed properly, a part of the present question. Should, at a future time, a plan be brought forward to raise the Romish church establishment from its present state of destitution, and bind it more firmly to the government by making it feel its liberality ; at that season, when the state is dispensing its bounty, can these modifications be regularly discussed. Nor should such a plan be considered as trenching upon the integrity, wealth, or security of the church of England. If, as there is every reason to anticipate, the Romish church will prove, that it has been only from necessity the adversary of the establishment, it must be provided with means to shew itself a friend. We are to consider that the Catholic clergy are the spiritual pastors of above four millions of men, and it can never be sound policy to make their sordid poverty a subject of odious comparison. But the Romish church feels not the grievance of the Corporation or

Test Acts; nor is it the real petitioner: the lay Catholics are the party aggrieved; it is not their province to give or refuse the Veto; and to make it a stumbling-block in the way to a repeal of civil disabilities, is to raise a difficulty which it is not in their power to overcome. The fair objections to them, are their want of loyalty, and the maintenance of dangerous political or religious doctrines: that they have sufficiently refuted these charges I have before shewn; and, having removed these impediments, they have done all that the state can require, or they perform.

If the Catholic cause were not one which every Protestant should lay to his heart, being neither more nor less than whether he is or is not accessory to the infliction of a great quantity of misery and oppression, it would undoubtedly receive prejudice from the recent conduct of its advocates in Ireland. Such

travelling out of the record at all their meetings, for the purpose of abusing every thing and every body; such impudent attempts upon the freedom of opinion of all their most tried and able friends, lead one to suspect that this question at length has got into the hands of those who hope for notoriety, rather from dissension than concord. Thus it is in all these cases; the good and the temperate, having made their appeal to wisdom and humanity, relax from the struggle; and either from indolence trust to the slow workings of reason in their opponents, or are scared by the violence of those, who, under the mask of friendship, are anxious only to be distinguished. These last, careless whether they advance or defeat those interests which they are ostensibly convened to promote, perplex and inflame others who are more ignorant and turbulent than themselves. In fact, I read in some Protestant pamphlet, that,

to use the author's own phrase, he thought it high time to "threaten the threatener." Will rational Catholics or Protestants leave this interesting cause in such hands? As a contrast to this vehemence, I beg leave to recommend the Catholic pamphlets which I have frequently quoted, and to which I feel deeply indebted. They will be found well-written, learned, temperate, and judicious in the extreme.

I have now completed that course of inquiry which I proposed in the outset; and the following appear the legitimate conclusions which it presents. The penal system was originally built upon this fundamentally vicious principle—that the civil power may prescribe to a nation its faith. In pursuance of this principle, the sovereign first, and afterwards the legislature, punished non-conformity in doctrine, and even in religious cere-

monies as a crime; and did thus essentially violate the rights of conscience. The penal laws were so destructive of the peace and happiness of those exposed to their fury, that the alarming principles and disaffection of the Catholics may be almost entirely ascribed to their operation. To the same cause may, in a very considerable degree, be attributed the overthrow of the monarchy and the church in the reign of Charles I. The virulent animosity displayed by the Protestants in the middle of the seventeenth century against the Catholics, was the result, more of a rancorous theological hatred of their religious, than of any well-grounded aversion to their civil principles. A long continued and shocking system of misrule alone accounts for the rebellions of the Irish. At the Restoration, the embers of religious discord were still kept alive, and the civil principles of the Catholics were im-

peached before they had been tried. As the only prospect of amendment in the situation of these religionists dawned from the crown, loyalty became their exclusive passion. To a complicated slavery, civil and religious, under the constitution, they preferred civil slavery, with the enjoyment of religious freedom under the crown. The liberal and enlightened views of William, were impeded and frustrated by the faction and intolerance of his subjects; and religious liberty was still left by our ancestors of the Revolution, as the superstructure to be reared by posterity upon the foundations then laid. Since the accession of the House of Hanover, in proportion as the state has extended protection, have the Catholics evinced attachment. Their religious doctrines are innoxious; their political principles pure; their conduct meritorious. The evil which the remnant of the penal system pro-

duces, is direct and palpable; the danger to be apprehended from its repeal, is neither probable nor commensurate. There seems therefore a right in the Catholics to a free and full participation of all the privileges of the constitution, and to admissibility to all the functions and offices of state, to administer which uprightly, and thus promote the general good, is the most just and noble object of human ambition.

We have been told, that, to exempt the potatoe garden of the Irish cottager from tithes, will be a more effectual means of conciliation than the removal of statutory disabilities, to which he is indifferent. No advocate of the Catholic claims considers, that the granting them will operate as a panacea against all discontent; or is disposed to deny, that there is a long list of substantial grievances in the condition of Ireland,

to which, it is to be hoped, the legislature will give their most deliberate attention. But the admission of the Catholics to their full share in the government, is the first great step. It will give property its natural influence, and the constitution the support resulting from it. It will afford to talent a useful and adequate direction. It will separate the moderate and well-disposed from the ill-designing, and those who can live only in troubled waters. It will be a late, but honourable compensation to the adherents of a religion, which has been too much a victim to political craft and popular calumny. It will be a return richly merited by a nation, which has paid more than its tribute of blood in defence of public happiness. It will be a triumph to legislation itself: for it is time to exhibit it, not merely as a string of penalties, but as a dispenser of rewards ; and for legislators to

shew that they are willing to work upon affection, as well as on fear. And thus will all be enabled, strenuously, to defend the civil constitution of their country, without any drawback from the consideration, that it withholds from them a part of its beneficial influence; and be inclined to address it continually with the fervent prayer of "esto perpetua."

THE END.

APPENDIX.

No. I.

1687017

THIS remonstrance will hereafter be quoted as authentic evidence, as well on account of the solemnity of its delivery and acceptance, as because of the severe examinations it underwent in the Irish House of Commons, (from which all the Roman Catholic members had been expelled) from the 8th to the 12th April, 1644, and then dismissed without the least disproof or contradiction of any of the numerous grievances it complains of; and without any resolution or motion, after a debate of so many days, that bears the slightest appearance, either of a censure or denial of the facts it contains.—Curry, p. 237, in note.

[*From Carte's Orm, vol. iii.*]

The Remonstrance of the Catholics of Ireland, delivered to his Majesty's Commissioners at Trym, 17th March, 1642.

To the King's most excellent Majestie.

Most gracious soveraigne,

WEE your Majestie's most dutifull and loyall subjects, the Catholiques of your highness kingdome of Ireland, being necessitated to take armes for the preservation of our relligion, the mainetenance of your majestie's rights and prerogatives, the naturall and just defence of our lives and estates, and the liberties of our country, have often since the beginning of these trou-

bles attempted to present our humble complaynts unto your royall view ; but we are frustrated of our hopes therein by the power and vigilance of our adversaries, (the lords justices and other ministers of state in this kingdome) who by the assistance of the malignant partie in England, now in armes against your royall person, with less difficultie to attain the bad ends they proposed to themselves, of extirpateing our religion and nation, have hitherto debarred us of any access to your majestie's justice, which occasioned the effusion of much innocent blood, and other mischiefs in this your kingdome, that otherwise might well bee prevented. And whereas of late notice was sent unto us of a commission granted by your majestie to the right honorable the lord Marques of Ormond and others, authorising them to heare what we shall say or propound, and the same to transmitt to your majestie in writeing, which your majestie's gracious and princely favour, we finde to bee accompanied with these words, viz. (albeit we doe extremely detest the odious rebellion which the recusants of Ireland have without ground or colour raysed against us, our crowne and dignitie) which words wee doe in all humilitie conceive to have proceeded from the misrepresentations of our adversaries ; and therefore doe protest, we have been therein maliciously traduced to your majestie, having never entertayned any rebellious thought against your majestie, your crowne, or dignitie ; but allways have beene, and ever will continue, your majestie's most faithfull and loyall subjects ; and doe most humbly beseech your majestie soe to owne and avowe us ; and as

such we present unto your majestie these ensueing grievances, and causes of the present distempers.

Imprimis, The catholiques of this kingdome, whome no reward could invite, no persecution enforce, to forsake that religion professed by them and their ancestors for thirteen hundred years, or thereabouts, are since the second yeare of the reigne of queene Elizabeth, made incapable of places of honour or trust, in church or commonwealth; their nobles become contemptible, their gentry debarred from learning in universities, or public schools within this kingdom; their younger brothers put by all manner of imployment in their native country, and necessitated (to their great discomfort, and impoverishment of the land) to seeke education and fortune abroad; misfortunes made incident to the said catholiques of Ireland only (their numbers, qualitie, and loyaltie considered) of all the nations of Christendome.

2. Secondly, That by this incapacitie, which in respect of their religion was imposed upon the said catholiques; men of meane condition and qualitie for the most part, were in this kingdome imployed in places of greatest honour and trust, who being to begin a fortune, built it on the ruines of the catholique natives, att all tymes lying open to be discountenanced, and wrought uppon; and who (because they would seeme to be carefull of the government,) did, from tyme to tyme, suggest false and malicious matters against them, to render them suspected and odious in England; from which ungrounded informations, and their many other ill of-

fices, these mischiefs have befallen the catholiques of Ireland. First, the opposition given to all the graces and favours that your majesty, or your late royall father, promised, or intended to the natives of this kingdom; secondly, the procuring false inquisitions, upon faigned titles, of their estates, against many hundred years possession, and no travers, or petition of right, admitted thereunto, and jurors denying to find such offices were censured even to publique infamie, and ruine of their estates, the findeing thereof being against their consciences, and their evidences; and nothing must stand against such offices taken of great and considerable parts of the kingdome, but letters pattents under the great seale; and if letters pattents were produced, (as in most cases they were) none must be allowed valid, nor yet sought to be legally avoyded: soe that, of late tymes, by the underhand workeing of sir William Parsons, knight, now one of the lords justices heere, and the arbitrary illegal power of the two impeached judges in parliament, and others drawn by their advise and counsell, one hundred and fifty letters patents were avoyded in one morning; which course continued untill all the pattents of the kingdome, to a few were by them and their associates declared void; such was the care those ministers had of your majestie's great seale, being the publique faith of the kingdome. This way of service, in shew only pretended for your majestie, proved to your disservice; and to the immoderate, and too tymely advancement of the said ministers of state, and their adherents, and nearly to the utter ruine of the said catholiques.

3. That, whereas your majestie's late royall father, king James, having a princely and fatherly care of this kingdome, was graciously pleased to graunt several large and beneficial commissions, under the great seale of England, and severall instructions, and letters under his privie signett, for the passing and securing of the estates of his subjects here by letters pattents under the great seale, and letters pattents accordingly were thereof passed, fynes payed, old rents increased, and new rents reserved to the crowns. And the said late king was further graciously pleased to graunt att severall tymes, to send divers honorable persons of integritie, knowledge and experience, to examine the grievances of this kingdome, and to settle and establish a course for redress thereof. And whereas your majestie was graciously pleased, in the fourth year of your raigne, to vouchsafe a favourable heareing to the grievances presented unto you, by agents from this kingdome; and thereupon did grant many graces and favours unto your subjects thereof, for securitie of their estates, and redress for remove of those heavy pressures, under which they have long groaned; acts of justice, and grace extended to this people by your majestie, and your said royall father, did afford them great content, yet such was, and is yet, the immortal hatred, of some of the said ministers of state, and especially of the said sir William Parsons, the said impeached judges and their adherents, to any welfare and happiness of this nation, and their ambition to make themselves still greater and richer, by the total ruine and extirpation of this people; that under pretence of your

majestie's service, the publike faith involved in those grants was violated, and the grace and goodness intended, by two glorious kings successively, to a faithful people, made unprofitable.

4. The illegall, arbitrary, and unlawfull proceedings of the said sir William Parsons, and one of the said impeached judges, and their adherents and instruments, in the court of wards, and the many wilfully erroneous decrees and judgments of that court, by which the heirs of catholique noblemen, and other catholiques, were most cruelly and tyrannically dealt withall, destroyed in their estates, and bred in dissolution and ignorance, their parents debts unsatisfied, their sisters and younger brothers left wholly unprovided for, auncient and appearing tenures of mesne lords unregarded, estates valid in law, and made for valuable considerations, avoyded against law, and the whole land filled upp with the frequent swarmes of escheators, feodaryes, pursuivants, and others, by authoritie of that court.

5. The said catholiques, notwithstanding the heavy pressures before-mentioned, and other grievances, in part represented to your majestie by the late committees of both houses of parliament of this kingdom, (whereunto they humbly desire that relation be had, and redress obtained therein,) did readily, and without reluctance, or repining, contribute to all the subsidies, loans, and other extraordinary graunts made to your majestie in this kingdome, since the beginning of your raigne, amounting unto well neere one million of poundes, over

and above your majestie's revenue, both certain and casual: and although the said catholiques were in parliament, and otherwise the most forward in graunting the said summes, and did beare nyne parts of ten in the payment thereof, yett such was the power of their adversaries, and the advantage they gained by the opportunitie of their continuall address to your majestie, to increase their reputation in getting in of those moneys, and their authoritie in the distribution thereof to your majestie's greate disservice, that they assumed to themselves to be the procurors thereof, and represented the said catholiques as obstinate and refractory.

6. The army raised for your majestie's service here, at the great charge of the kingdome, was disbanded by the pressing importunitie of the malignant partie in England, not giving way that your majestie should advise therein with the parliament here; alledging the same army was popish, and therefore not to be trusted; and although the world could witness the unwarrantable and unexampled invasion made by the malignant partie of the parliament in England, uppon your majestie's honour, rights, prerogatives, and principall flowers of your crowne; and that the said sir William Parsons, sir Adam Loftus knight, your majestie's vice-treasurer of the kingdome, and others their adherents, did declare that an army of ten thousand Scotts was to arrive in this kingdome, to force the said catholiques to change their religion,¹ and that Ireland could never doe well without a rebellion, to the end the remaine of the natives thereof might be extirpated; and wagers were laid

at a generall assizes and publique meetings, by some of them then, and now imployed in places of greate profit and trust in this kingdome, that within one yeare no catholique should be left in Ireland; and that they saw the ancient and unquestionable privileges of the parliament in England, in sending for and questioning, to, and in, that parliament, the members of the parliament of this kingdome, sitting the parliament here; and that by speeches, and orders printed by authoritie of both houses in England, it was declared that Ireland was bound by the statutes made in England, if named, which is contrary to knowen truth, and the laws here settled for fowre hundred yeares, and upwards; and that the said catholiques were thoroughly enformed of the protestation made by both houses of Parliament of England against catholiques, and of their intentions to introduce lawes for the extirpation of catholique religion in the three kingdomes: and that they had certain notice of the bloody execution of priests there, only for being priests, and that your majesty's mercy and power could not prevaile with them to save the lyfe of one condemned priest; and that the catholiques of England being of their own flesh and blood, must suffer or depart the land, and consequently others not of so neer a relation to them, if bound by their statutes, and within their power. These motives, although very strong and powerfull to produce apprehensions and fears in the said catholiques, did not prevaile with them to take defensive armes, much less offensive; they still expecting that your majestie in your high wisdom might be able in a short tyme, to apply

seasonable cures, and apt remedies unto those evils and innovations.

7. That the committees of the lords and commons of this kingdome, having attended your majestie for the space of nyne months, your majestie was graciously pleased, notwithstanding your then weightie and urgent affayrs in England and Scotland, to receive, and very often with great patience to hear their grievances, and many debates thereof at large ; during which debates, the said lords justices, and some of your privy council of this kingdome, and their adherents, by their malicious and untrue informations conveyed to some ministers of state in England, (who since are declared of the malignant partie,) and by the continuall solicitation of others of the said privy councill, gone to England of purpose to cross and give impediment unto the justice and grace your majesty was inclined to afford to your subjects of this realme, did as much as in them lay, hinder the obtaining of any redress for the said grievances, and not prevailing therein with your majestie as they expected, have by their letters and instruments, laboured with many leading members of the parliament there, to give stopp and interruption thereunto, and likewise transmitted unto your majestie, and some of the state of England, sundery misconstructions and misrepresentations of the proceedings and actions of your parliament of this kingdome, and thereby endeavoured to possess your majestie with an evil opinion thereof ; and that the said parliament had no power of judicature in capitall causes, (which is an

essentia part of parliament) thereby aymeing at the impunitie of some of them, and others, who were then impeached of high treason: and at the destruction of this parliament: but the said lords justices and privy counsell, observing that no art or practice of theirs could be powerfull to withdraw your majestie's grace and good intentions from this people, and that the redress graunted of some particular grievances was to be passed as acts in parliament; the said lords justices, and their adherents, with the height of malice, envieing the good union long before settled, and continued between the members of the house of commons, and their good correspondence with the lords, left nothing unattempted, which might rayse discord, and disunion in the said house; and by some of themselves, and some instruments of theirs in the said commons house, private meetings of greate numbers of the said house were appointed, of purpose to rayse distinction of nation and religion, by meanes whereof a faction was made there, which tended much to the disquiet of the house, and disturbance of your majestie's and the publike service; and after certain knowledge that the said committees were by the water side in England, with sundry important and beneficial bills, and other graces, to be passed as acts, in that parliament; of purpose to prevent the same, the said faction, by the practice of the said lords justices, and some of the said privy counsell and their adherents, in a tumultuous and disorderly manner, on the seventh day of August 1641, and on severall days before, cried out for an adjournment of the house, and being over-voted by

the voices of the more moderate partie, the said lords justices and their adherents told severall honourable peers, that if they did not adjourne the lords house on that day, being Saturday, that they would themselves prorogue or adjourne the parliament on the next Munday following, by means whereof, and of great numbers of proxies of noblemen, not estated, nor at any time resident in this kingdome, (which is destructive to the libertye and freedom of parliaments here,) the lords house was on the said seventh day of August adjourned, and the house of commons by occasion thereof, and of the faction aforesaid, adjourned soone after, by which meanes those bills and graces, according to your majestie's intention, and the great expectation and longing desires of your people, could not then pass as acts of parliament.

Within a few dayes after this fatal and enforced adjournment, the said committees arrived at Dublin, with their dispatch from your majestie, and presented the same to the lords justices and councill, expressing a right sense of the said adjournment, and besought their lordships for the satisfaction of the people, to require short heads of that part of the dispatch wherein your majestie did appeare in the best manner unto your people, might be suddainely conveyed unto all the partes of the kingdome, attested by the said lords justices, to prevent despaire, or misunderstanding. This was promised to be done, and an instrument drawn, and presented unto them for this purpose, and yett, (as it seems desireing

rather to add fuell to the fire of the subjects discontents, than quench the same,) they did forbear to give any notice thereof to the people.

8. After this, certaine dangerous and pernicious petitions, contrived by the advice and counsell of the said sir William Parsons, sir Adam Loftus, sir John Clotworthy, knights, Arthure Hill, Esq. and sundry other malignant partie, and signed by many thousands of the malignant partie in the city of Dublin, in the province of Ulster, and in sundry other of the partes in this kingdome, directed to the commons house in England, were at publique assizes and other publique places made known and read, to many persons of qualitie in this kingdome, which petitions contayned matters destructive to the said catholiques, their religions, lives and estates, and were the more to be feared by reason of the active power of the said sir John Clotworthy in the commons house in England, in opposition to your majestie, and his barbarous and inhumane expressions in that howse against catholique religion, and the professors thereof. Soone after an order conceived in the commons house of England, that no man should bowe unto the name of JESUS, (att the sacred sound whereof all knees should bend) came to the knowledge of the said catholiques, and that the said malignant partie did contrive and plott to extinguish their religion and nation. Hence it did arise that some of the said catholiques begun to consider the deplorable and desperate condition they were in, by a statute law here found among the records of this king-

dome, of the second yeare of the raigne of the late queen Elizabeth (but never executed in her tyme, nor discovered till most of the members of that parliament were dead); by which no catholique of this kingdome could enjoy his life, estate, or lyberty if the said statute were executed; whereunto no impediment remayned but your majestie's prerogative and power, which were endeavoured to be clipped, or taken away, as is before rehearsed; then the plot of destruction by an army of Scotland, and another of the malignant partie in England, must be executed; the feares of those twofold destructions, and their ardent desire to maintain that just prerogative, which might encounter and remove it, did necessitate some catholiques in the North, about the 22d of October, 1641, to take armes in maintenance of their religion, your majestie's rights, and the preservation of life, estate, and libertie; and immediately thereupon tooke a solemn oath, and sent several declarations to the lords justices and councill to that effect; and humbly desired they might be heard in parliament, unto the determination whereof, they were ready to submit themselves and their demands; which declarations being received, were slighted by the said lords justices, who by the swaying part of the said council, and by the advice of the said two impeached judges, glad of any occasion to put off the parliament, which by the former adjournment was to meete soone after, caused a proclamation to be published on the 23d of the said month of October 1641, therein accusing all the catholiques of Ireland of disloyaltie, and thereby declareing

that the parliament was prorogued untill the 26th of February following.

9. Within a few dayes after the said 23d day of October 1641, many lords and other persons of ranke and qualitie, made their humble address to the said lords justices and councill, and made it evidently appeare unto them, that the said prorogation was against law, and humbly besought the parliament might sit according to their former adjournment, which was then the only expedient, to compose or remove the then growing discontentes and troubles of the land; and the said lords justices, and their partie of the councill, then well knowing that the members of both houses throughout the kingdome (a few in and about Dublin only accepted,) would stay from the meeting of both houses, by reason of the said prorogation, did by proclamation two days before the time, give way the parliament might sitt, but so limited, that no act of grace, or any thing else for the people's quiet or satisfaction, might be propounded or passed. And thereuppon, a few of the lords and commons appeared in the parliament house, who in their entrance at the castle-bridge and gate, and within the yard to the parliament house doore, and recess from thence, were invironed with a great number of armed men with their match lighted, and muskets presented even at the breasts of the members of both houses, none being admitted to bring one servant to attend him, or any weapon about him within the castle-bridge. Yet how thin soever the houses were, or how much over-

awed, they both did supplicate the lords justices and councill, that they might continue for a tyme together, and expect the coming of the rest of both houses, to the end they might quiet the troubles in full parliament, and that some acts of securitie graunted by your majestie, and transmitted under the great seale of England, might pass to settle the minds of your majestie's subjects. But to these requests, soe much conducing to your majestie's service, and settlement of your people, a flatt denial was given; and the said lords justices and their partie of the councill, by their workeing with their partie in both howses of parliament, being then very thyn as aforesaid, propounded an order should be conceived in parliament, that the said discontented gentlemen tooke armes in rebellious manner, which was resented much by the best affected of both howses; but being awed as aforesaid, and credibly informed, if some particular persons amongst them stood in opposition thereunto, that the said musketteers were directed to shoot them at their going out of the parliament house, thorough which terror, way was given to that order.

10. Notwithstanding all the beforementioned provocations, pressures, and indignities, the farr greater, and more considerable parte of the catholiques, and all the cittyes and corporations of Ireland, and whole provinces, stood quiet in their howses; whereupon the lords justices and their adherents, well knowing that many powerfull members of the parliament of England stood in opposition to your majestie, made their application and addressed

their dispatches, full fraught with calumnies and false suggestions against the catholiques of this kingdome, and propounded unto them, to send severall great forces to conquer this kingdome; those of the malignant partie here were by them armed; the catholiques were not only denied armes, but were disarmed, even in the city of Dublin, which in all successions of ages past continued as loyall to the crowne of England, as any city or place whatsoever; all other auncient and loyall cityes and corporatt townes of the kingdome, (by means whereof principally the kingdome was preserved in former tymes) were denied armes for their money to defend themselves, and express order given by the said lords justices to disarm all catholiques in some of the said cityes and townes: others disfurnished were inhibited to provide arms for their defence, and the said lords justices and councell having received an order of both houses of parliament in England, to publish a proclamation of pardon unto all those who were then in rebellion (as they tearmed it) in this kingdome, if they did submit by a day to be limited, the said sir William Parsons, contrary to this order, soe wrought with his partie of the councill, that a proclamation was published of pardon only in two countyes, and a very short day prefixed, *and therein all freeholders were excepted*; through which every man saw that the estates of the catholiques were first aymed att, and their lives next. The said lords justices and their partie haveing advanced their designe thus far, and not finding the success answerable to their desires, commanded sir Charles Coote, knight and baronet, deceased, to march to the

county of Wickloe, where he burnt, killed, and destroyed all in his way in a most cruell manner, man, woman and childe ; persons that had not appearing wills to doe hurt, nor power to execute it. Soone after, some foote companies did march in the night by direction of the said lords justices, and their said partie, to the town of Santry in Fingall, three miles off Dublin ; a country that neither then, nor for the space of four or five hundred yeares before, did feele what troubles were, or war meant ; but it was too sweet and too near, and therefore fitt to be forced to armes. In that towne innocent husbandmen, some of them being catholiques, and some protestants taken for catholiques, were murdered in their inn, and their heads carried triumphant into Dublin. Next morning, complaint being made of this, no redress was obtayned therein ; whereupon some gentlemen of qualitie, and others the inhabitants of the country, seeing what was then acted, and what passed in the said last march towards the county of Wickloe, and justly fearing to be all murthered, forsooke their howses, and were constrained to stand together in their own defence, though ill provided of armes or ammunition. Heereupon a proclamation was agreed upon at the board, on the 13th of December, 1641, and not published or printed till the 15th December, by which the said gentlemen, and George Kinge by name, were required to come in by, or upon the 18th of the said month, and a safetie was therein promised them. On the same day another proclamation was published, summoning the lords dwelling in the English pale near Dublin to a grand councill

on the 17th of the said month ; but the lords justices and their partie of the councill, to take away all hope of accommodation, gave direction to the said sir Charles Coote, the said 15th day of the said month of December, to march to Clontarffe, being the howse and towne of the said George Kinge, and two miles from Dublin, to pillage, burn, kill, and destroy all that there was to be found ; which direction was readily and particularly observed, (in a manyfest breach of public faith) by meanes whereof, the meeting of the said grand councill was diverted : the lords not daring to come within the power of such notorious faith-breakers: the consideration whereof, and of other the matters aforesaid, made the nobilitie and gentry of the English pale, and other parts of the province of Leinster, sensible of the present danger, and put themselves in the best posture they could for their naturall defence. Wherefore they employed lieutenant colonel Read to present their humble remonstrance to your sacred majestie, and to declare unto you the state of their affayres, and humbly to beseech relief and redress ; the said lieutenant collonel, though your majestie's servant, and imployed in publique trust, (in which case the law of nations affords safety and protection) was without regard to either, not only stopped from proceeding in his imployment, but also tortured on the rack at Dublin.

11. The lord president of Munster, by the direction of the said lords justices, (that province being quiet) with his accomplices, burnt, preyed, and put to death

men, women, and children, without making any difference of qualitie, condition, age, or sex, in several parts of the province; the catholique nobles and gentlemen there were mistrusted and threatened, and others of inferior quality trusted and furnished with armes and ammunition. The province of Connaught was used in the like measure; whereupon most of the considerable catholiques in both the said provinces were inforced (without armes or ammunition) to look after their safety, and to that end, did stand on their defence; still expecting your majestie's pleasure, and always ready to obey your commands. Now the plot of the said ministers of state and their adherents being even ripe, applications were incessantly by them made to the malignant partie in England, to deprive this people of all hopes of your majestie's justice or mercie, and to plant a perpetual enmity between the Scottish and English nations, and your subjects of this kingdome.

12. That whereas this your Majestie's kingdome of Ireland in all successions of ages, since the raigne of king Henry the Second, sometime king of England and lord of Ireland, had parliaments of their owne, composed of lords and commons in the same manner and forme, qualified with equal liberties, powers, privileges, and immunities with the parliament of England, and onely depend of the king and crowne of England and Ireland: and for all that tyme, no prevalent record or authentique president can be found that any statute made in England could or did bind this kingdome, before the

same word were here established by parliament; yet upon untrue suggestions and informations, given of your subjects of Ireland, an act of parliament entituled, an act for the speedie and effectual reducing the rebels in his majestie's kingdome of Ireland to their due obedience to his majestie and the crowne of England; and another act, intituled, an act for adding unto and explayneing the said former act, was procured to be enacted in the said parliament of England, in the eighteenth yeare of your majestie's raigne; by which acts, and other proclamations, your majestie's subjects unsummoned, unheard, were declared rebels, and two millions and a half acres arrable, meadow and profitable pasture, within this kingdome, sold to undertakers for certain summes of monie; and the edifices, loghs, woodes, and bogges, wastes and other their appurtenances, were thereby mentioned to be granted and past gratis. Which acts the said catholiques do conceive to have been forced upon your majestie; and although void, and unjust, in themselves to all purposes, yet containe matters of evil consequence and extreame prejudice to your majestie, and totally destructive to this nation. The scope seeming to aime at rebels only, and at the disposition of a certaine quantitie of land; but in effect and substance all the landes in the kingdome, by the words of the said acts, may be distributed, in whose possession soever they were without respect to age, condition, or qualitie; and all your majestie's tenures, and the greatest part of your majestie's standing revenue in this kingdome, taken away; and by the said acts, if they were of force, all

power of pardoning and of granting those lands, is taken from your majestie ; a precedent that no age can instance the like. Against this act the said catholiques do protest, as an act against the fundamentall lawes of this kingdome, and as an act destructive to your majestie's rights and prerogatives, by collour whereof, most of the forces sent hither to infest this kingdome by sea and land, disavowed any authoritie from your majestie, but do depend upon the parliament of England.

13. All strangers, and such as were not inhabitants of the citty of Dublin, being commanded by the said lords justices, in and since the said month of November, 1641, to depart the said citty, were no sooner departed, then they were by the directions of the said lords justices pillaged abroad, and their goods seized upon and confiscated in Dublin ; and they desireing to returne under the protection and safetie of the state, before their appearance in action, were denied the same ; and divers other, persons of rank and qualitie, by the said lords justices imployed in publike service, and others keeping close within their doores, without annoying any man, or siding then with any of the said catholiques in armes, and others in severall parts of the kingdome living under, and having the protection and safetie of the state, were sooner pillaged, their howses burnt, themselves, their tenants and servants killed and destroyed, than any other by the direction of the said lords justices. And by the like direction, when any commander in chiefe of the army, promised, or gave quarter

or protection, the same was in all cases violated; and many persons of qualitie, who obtained the same, were ruined before others; others that came into Dublin voluntarily, and that could not be justly suspected of any crime, if Irishmen or catholiques, by the like direction were pillaged in Dublin, robbed and pillaged abroad, and brought to their trial for their lives. The cittys of Dublin and Corke, and the ancient corporatt townes of Drogeda, Yeoghal and Kingsale, who voluntarily received garrisons in your majestie's name, and the adjacent countryes who relieved them, were worse used, and now live in worse condition than the Isrealites did in Egypt; so that it will be made appeare, that more murders, breaches of publique faith and quarter, more destruction and desolation, more crueltie, not fitt to be named, were committed in Ireland, by the direction and advice of the said lords justices and their partie of the said councill in less then eighteene months, than *can be paralleled to have been done by any Christian people.*

14. The said lords justices and their adherents have, against the fundamental lawes of the lande, procured the sitting of both howses of paliament for severall sessions, (nyne parts of ten of the naturall and genuine members thereof being absent, it standing not with their safety to come under their power) and made upp a considerable number in the howse of commons of clerks, souldiers, serving men, and others not legally, or not chosen at all, or returned, and having no manner of estate

within the kingdome; in which sitting, sundry orders were conceived, and dismisses obteyned of persons before impeached of treason in full parliament; and which passed or might have passed some acts against law and to the prejudice of your majestie and this whole nation. And dureing these troubles, termes were kept, and your majestie's court of cheefe place, and other courts sate at Dublin, to no other end or purpose, but by false and illegall judgments, outlawries, and other capitall proceedings to attaint many thowsands of your majestie's most faithful subjects of this kingdome, they being never summoned, nor having notice of those proceedings; she-riffs, made of obscure meane persons, by the like practice, appointed of purpose; and poore artificers, common soldiers and meniall servants returned jurors, to pass upon the lives and estates of those who came in upon protection and public faith.

Therefore the said catholiques, in the behalfe of themselves and of the whole kingdome of Ireland, doe protest and declare against the said proceedings, in the nature of parliaments, and in the other courts aforesaid, and every of them, as being heynous crimes against law, destructive to parliaments and your majestie's prerogatives and authoritie, and the rights and just liberties of your most faithful subjects.

Forasmuch, dread soveraigne, as the speedy application of apt remedies unto these grievances and heavie pressures, will tend to the settlement and improvement

of your majestie's revenue, the prevention of further effusion of blood, the preservation of this kingdome from desolation, and the content and satisfaction of your said subjects, who in manifestation of their duty and zeal to your majestie's service, will be most willing and ready to employ ten thousand men under the conduct of well experienced commanders in defence of your royal rights and prerogatives; they therefore most humbly beseech your majestie, that you will vouchsafe gracious answers to these their humble and just complaints, and for the establishment of your people in a lasting peace and securitie, the said catholiques doe most humbly pray, that your majestie may be further graciously pleased to call a free parliament in this kingdome, in such convenient tyme as your majestie in your high wisdom shall think fitt, and the urgencie of the present affaires of the said kingdome doth require; and that the said parliament be held in an indifferent place, summoned by, and continued before some person or persons of honour and fortune, of approved faith to your majestie, and acceptable to your people here, and to be tymely placed by your majestie in this government, which is most necessary for the advancement of your service, and present condition of the kingdome: in which parliament, the said catholiques doe humbly pray these or others their grievances may be redressed; and that in the said parliament, a statute made in this kingdome in the tenth yeare of king Henry the Seventh, commonly called Poyning's Act, and all acts explaining, or enlarging the same, be by a particular act suspended during that parliament,

as it hath beene already done in the eleventh yeare of queene Elizabeth, upon occasion of far less moment than now doe offer themselves; and that your majestie, with the advice of the said parliament, will be pleased to take a course for the further repealing or further continuance of the said statutes, as may best conduce to the advancement of your service here, and peace of this your realme; and that no matter, whereof complaint is made in this remonstrance, may debarr catholiques, or give interruption to their free votes, or sitting in the said parliament, and as in duty bound they will ever pray for your majestie's long and prosperous raigne over them.

Wee the undernamed being thereunto authorized, doe present and signe this remonstrance in the behalfe of the catholiques of Ireland, dated this 17th day of March, 1642.

GORMANSTON.

LUCAS DILLON.

ROBERT TALBOTT.

JOHN WALSH.

According to your majestie's commission to us directed, we have received this remonstrance, subscribed by the lord viscount Gormanston, sir Lucas Dillon, knight, sir Robert Talbott, bart. and John Walsh, esq. authorized by, and in the behalfe of the recusants of Ireland, to present the same unto us to be transmitted to your sacred majestie, dated the 17th day of March, 1642.

CLANRICARD and ST. ALBANS.

ROSCOMMON.

MOORE.

MAU. EUSTACE.

APPENDIX, No. II.

*Instructions of the Committee of English Catholics
to MR. HUSSEY, respecting the object of his
Deputation from them to the See of Rome.*

Mr. Hussey will make every prudent exertion to clear up any misrepresentations of the proceedings of the Committee of English Catholics, and to give an accurate account of the state of the Catholics in this country.

The main object which he is requested to keep steadily in view, is the necessity the English Catholics were under of vindicating the integrity of their principles, repelling the slanderous charges uniformly brought against them for two centuries past; and of removing those penal and disabling statutes, which have been gradually undermining their body, and must at length operate almost a total extinction of the Catholic religion in these dominions.

He will represent that religion has always been supported, and is at present every where supported, except in some few populous towns, entirely by the voluntary munificence of the nobility and gentry; and unless they

recover their rights, there is an imminent danger of the Catholic religion declining with great rapidity.

He will take an opportunity of expressing the surprise and astonishment of the peers and gentry, who never received any answer to the application they made on the election of Mr. Berrington.

He will explain the rise and progress of the present business, and shew that the protestation was not a voluntary offer of the Committee; but a pledge of uprightness called for by their Protestant fellow-subjects;—that it was not attempted to be carried into execution, as a basis of public measures, until it had been approved and signed by the Apostolic Vicars, the far greater part of the clergy, and most of the respectable laity in the four districts;—that it has been already presented to Parliament, and therefore, if the present form be not perfectly correct in the wording, the Committee are not to blame, because no alterations were previously called for by the clergy; and the deed having gone before Parliament, it cannot possibly be revoked.

Mr. Hussey will be pleased to insist, if necessary, upon this principle, that what has been done cannot be undone; and to explain, that the protestation was not intended to hurt religion, but to serve it;—not to infringe the communion of English Catholics with the holy Apostolic See, but to render that communion less odious;—not to prejudice the character of the first pastor

of the church, but to rescue it from obloquy and abuse.

If the oath be called for, Mr. Hussey will represent that the Catholics of the present times are only responsible for the protestation:—the oath of allegiance and abjuration, having been equivalently taken in 1778; and of course the deposing doctrine having been solemnly renounced and abjured, the English Catholics could not hesitate to adopt the qualifying terms; especially as the Sorbonne in 1680, and again in 1775, had informed them, that they might with safety declare it impious and heretical.

If any scruple be raised about the Act of Settlement, and limiting the succession of the crown to the Protestant Line, Mr. Hussey will not permit that subject to be discussed; because the English Catholics acknowledge no authority to interfere with the succession of their kings, but the law of the land; the authority of which law they have already solemnly acknowledged by their oath of allegiance of 1778.

Mr. Hussey will bear an honourable testimony to the character of Mr. Berrington, and insinuate, that any doubts about his character must reflect on the secular clergy who elected—the regular clergy who expressed their satisfaction on hearing of that choice—and on the nobility and gentry, who ardently desired that election to be confirmed.

Mr. Hussey will endeavour to pave the way for having bishops in ordinary elected by their clergy, on two grounds;—firstly, on account of the great utility of the change in the present circumstances of the English Catholics;—secondly, on the supposition that the legislature may soon require that change to be made.

THOMAS ACONENSIS.

CAROLUS HIERO CÆSAR-
RIENSIS.

JOSEPH WILKS.

STOURTON.

PETRE.

HENRY C. ENGLEFIELD.

JOHN THROCKMORTON.

WILLIAM FERMOR.

THOMAS HORNYOLD.

THE END.

ERRATA.

Page 116 line 10, *for number read member.*

— 118, in note, *for vol. 3, read vol. 2.*

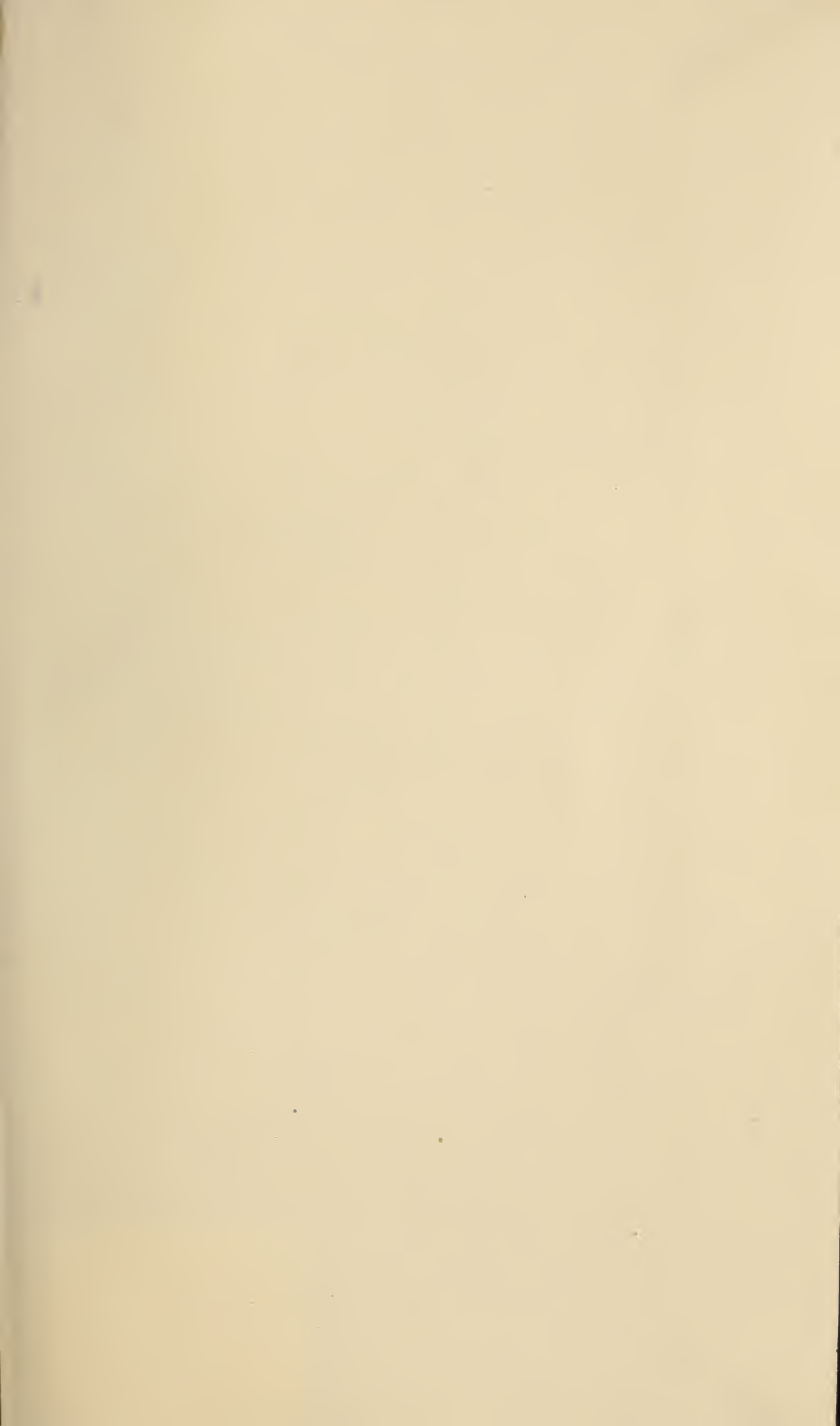
— 203, line 4, *for the so much read so much the.*

— 236, — 2, *for avocation read vocation.*

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Page

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